

ORDINANCE #12-18

ORDINANCE OF THE BOROUGH OF KEYPORT, COUNTY OF MONMOUTH, NEW JERSEY VACATING A PORTION OF MYRTLE AVENUE PURSUANT TO N.J.S.A. 40:67-1 ET SEQ.

WHEREAS, the Borough of Keyport (the "**Borough**") is a public body corporate and politic of the State of New Jersey; and

WHEREAS, pursuant to N.J.S.A. 40:67-19 the Borough Council of the Borough of Keyport (the "**Borough Council**") may determine that a dedication of lands as a public street that has not been accepted or opened by the Borough may be released by ordinance if it appears that the public interest would be better served by releasing those lands from such dedication; and

WHEREAS, the portion of Myrtle Avenue at issue is a public right of way in the Borough situated between Veterans Park and Benjamin C. Terry Park, and is more fully described in the Description of Vacation attached hereto as **Exhibit A**; and

WHEREAS, the Borough owns the property on both sides of this existing right of way and has been advised by the County of Monmouth (the "**County**") that vacation of this portion of Myrtle Avenue is a condition of the Borough's receipt of an open space grant; and

WHEREAS, the Borough has determined that vacation of this 30 foot portion of Myrtle Avenue would be in the best interests of the community as the Borough owns the property on both sides of this right of way, and by vacating the right of way, would be eligible to accept an open space grant from the County.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Keyport as follows:

Section 1. The foregoing recitals are hereby incorporated as if set forth in full herein.

Section 2. In accordance with the provisions of the N.J.S.A. 40:67-19, the Borough Council hereby vacates the 30 foot portion of Myrtle Avenue and releases such property from the dedication of the land for a public street and extinguishes the public right arising from such dedication; provided however, that all rights and privileges possessed by public utilities, as defined in R.S.48:2-13, and by any cable television company, as defined in the Cable Television Act, P.L.1972; c. 186, to maintain, repair and replace their existing facilities in, adjacent to, over or under the street, highway, lane, alley, square, place or park, or any part thereof, to be vacated, are expressly reserved and excepted from the vacation set forth above.

Section 3. The introduction of this Ordinance shall be advertised pursuant to N.J.S.A. 40:49-2; provided, however, that notice as to introduction and public hearing shall be made, pursuant to N.J.S.A. 40:49-6, at least ten days prior to the public hearing and adoption hereof.

Section 4. Notice of the introduction of this Ordinance and the time and place when and where this Ordinance will be further considered for public hearing and final passage, including a copy of this Ordinance, shall be mailed to any person whose lands may be affected by this Ordinance, so far as same may be ascertained, directed to the last known post-office address, in accordance with the provisions of N.J.S.A. 40:49-6.

Section 5. Within 60 days after adoption of this Ordinance, the Borough Clerk shall cause this Ordinance, certified by him, under the seal of the municipality to be filed in the office wherein conveyances of lands are recorded in the County of Monmouth.

Section 6. This Ordinance shall take effect as provided by law.

Introduced: June 12, 2018
Public Hearing: July 10, 2018
Adopted: July 10, 2018



Valerie T. Heilweil, RMC, CMR
Borough Clerk
Borough of Keyport



Harry M. Aumack, II, Mayor
Borough of Keyport

EXHIBIT A

Description of Vacation

Part of Myrtle Avenue



HKP00201

June 5, 2018

**Description of Vacation
Part of Myrtle Avenue (30 foot wide Right-of-Way-TM)
Borough of Keyport, Monmouth County, New Jersey**

Description of a 30 foot wide strip of land being a portion of Myrtle Avenue (30 foot wide Right-of-Way-TM), situate, lying and being in the Borough of Keyport, County of Monmouth, State of New Jersey to be **vacated** and being more particularly described as follows:

BEGINNING at a point on the westerly line of Myrtle Avenue (30 foot wide Right-of-Way-TM), said point being the intersection of said westerly line of Myrtle Avenue with the northerly line of Front Street (40 foot wide Right-of-Way-TM), said point also being the most southeasterly corner of Tax Lot 45 in Block 94 and from said Point of Beginning proceeding; thence,

- 1) North 30° 25' 31" West, along the common line of the westerly line of Myrtle Avenue with the easterly line of Tax Lot 45 in Block 94, a distance of 247.3 feet +/- to a point on the New Jersey State Claim Line (Atlas Map No. 581-2130); thence,
- 2) Northeasterly, along said State Claim Line, a distance of 33 feet +/-, having a tie course of North 80° 04' 19" East, a distance of 32.03 feet to a point; thence,
- 3) South 30° 25' 31" East, along the common line of the easterly line of Myrtle Avenue with the westerly line of Tax Lot 13 in Block 127, a distance of 236.1 feet to a point on the northerly line of Front Street; thence,
- 4) South 59° 34' 29" West, along the northerly line of Front Street, a distance of 30.00 feet to the Point and Place of BEGINNING.

Said description of Myrtle Avenue (30 foot Wide Right-of-Way) to be vacated containing 7,184 Square Feet (0.16 Acres) of land, more or less.

Said described lands being subject to easements, restriction and agreements of record and such facts as may be disclosed in a full and accurate Title Search into the property-in-question and the immediate adjoiners.

Said described land being subject to any and all public utilities established within the road prior to vacation.

Said described lands being known as Myrtle Avenue (30 foot Wide Right-of-Way) to be vacated, as shown on the official Tax Map of the Borough of Keyport, Monmouth County, New Jersey.

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CONSULTING AND MUNICIPAL ENGINEERS

1460 ROUTE 9 SOUTH • HOWELL, NEW JERSEY 07731 • (732) 462-7400 • FAX: (732) 409-0756



Vacation of Part of Myrtle Avenue
Borough of Keyport
Monmouth County, NJ

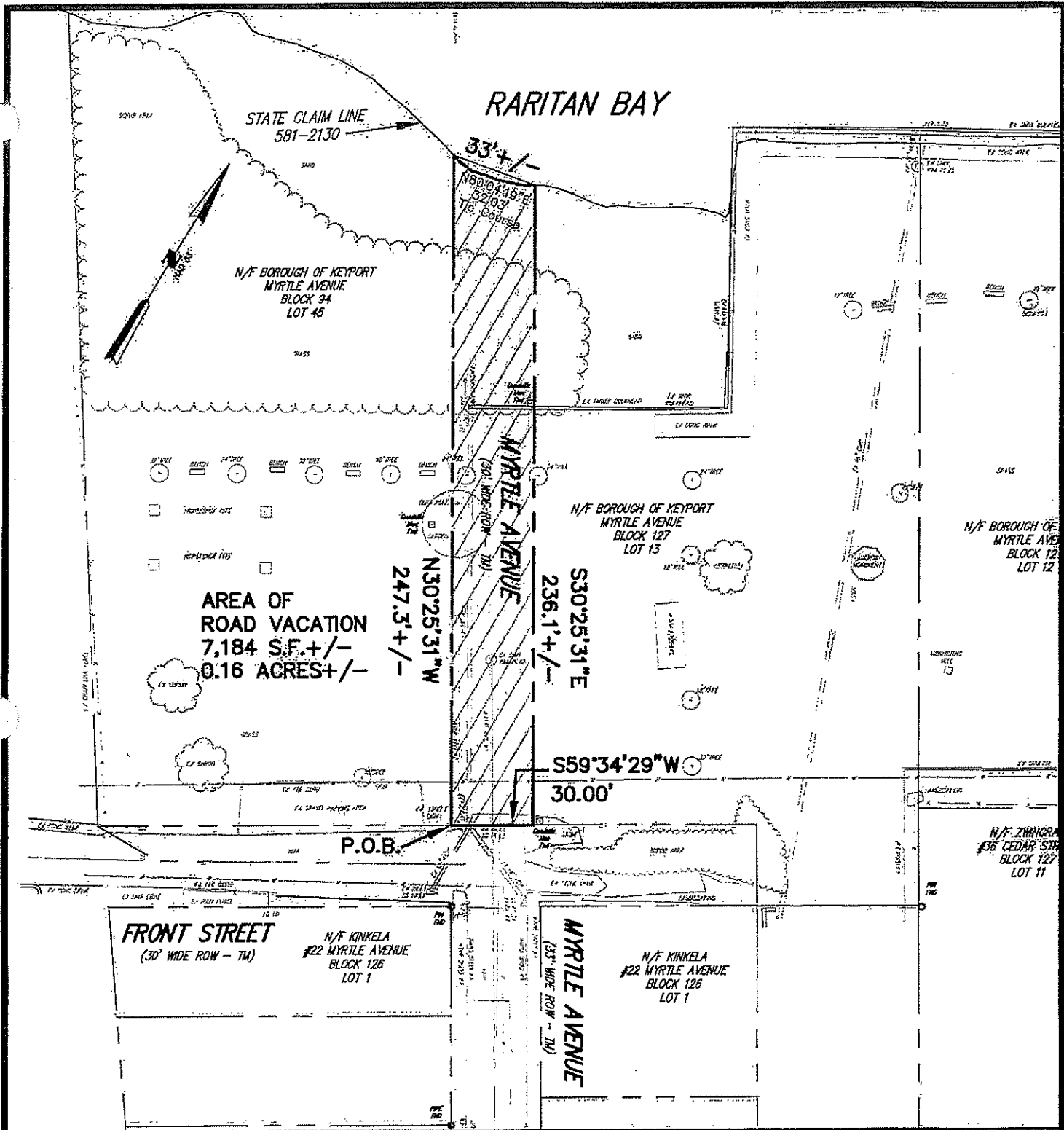
June 5, 2018
Our File No. HKP00201.01
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Intended to vacate all right, title and interest, in and to a portion of the public right-of-way, commonly known as Myrtle Avenue (30 foot Wide Right-of-Way).

A handwritten signature in black ink, appearing to read 'John J. Stearns', is written over a horizontal line.

John J. Stearns, P.E., L.S.
Professional Engineer and Land Surveyor
N.J. License No. 24271

Jjs:qtl:ls



SKETCH OF ROAD VACATION
PART OF MYRTLE AVENUE

BOROUGH OF KEYPORT

MONMOUTH COUNTY, NJ



CONSULTING AND MUNICIPAL ENGINEERS

3441 BORDENTOWN AVENUE, PARLIN, NEW JERSEY 08859 1660 ROUTE 9 SOUTH, HOWELL, NEW JERSEY 07731-7074

JOHN J. STEFANI, P.E., P.L.S.

NEW JERSEY PROFESSIONAL ENGINEER & LAND SURVEYOR LIC. 24271

JOHN H. ALLGAIER P.E., P.P.

NO PE LIC NO. 12012

NO PP LIC NO. 1999

DAVID J. SAMUEL P.E., P.P.

NO PE LIC NO. 22006

NO PP LIC NO. 2455

JOHN J. STEFANI P.E., L.S. & P.P.

NO PE LIC NO. 24271

NO PP LIC NO. 2889

JAY B. CORNELL P.E., P.P.

NO PE LIC NO. 32942

NO PP LIC NO. 3826

MICHAEL J. MCCLELLAND P.E., P.P.

NO PE LIC NO. 32948

NO PP LIC NO. 3773

GREGORY R. VALES P.E., P.P.

NO PE LIC NO. 34499

NO PP LIC NO. 4361

DATE:

6-5-18

DRAWN BY:

QTL

CHECKED BY:

TT

SCALE:

1"=50'

FILE NO:

KP201