

Egg Harbor Township

Ordinance No. 34

2021

An ordinance to vacate portion of Wilmington, Lexington, Manhattan and Philadelphia Avenues, described by metes and bounds and located in the Township of Egg Harbor, County of Atlantic and State of New Jersey

BE IT ORDAINED, by the Township Committee for the Township of Egg Harbor, County of Atlantic and State of New Jersey that:

SECTION 1: Portions of Wilmington Avenue, Lexington Avenue, Manhattan Avenue and Philadelphia Avenue and all rights-of-ways thereto except those specifically excluded as set forth herein below, be and the same are hereby vacated and all public rights therein are extinguished, all of which are more particularly described on the attached **Exhibit A** which is incorporated herein as though set forth herein at length and on file in the Township Clerk's Office, Township Hall.

SECTION 2: The public rights arising from any dedication of the portion of the said streets above mentioned and indicated on maps filed in the Office of the Township Clerk and described above, so vacated as aforesaid, be and the same are hereby released and extinguished.

SECTION 3: By virtue of N.J.S.A. 40:67-1, as amended, vacation of any street, highway, lane, alley, square, place or park, et cetera, as defined in N.J.S.A. 40:67-1, shall be subject to the express reservation and exception from the vacation of all rights and privileges possessed by public utilities, as defined in N.J.S.A. 40:2-13 and by any cable television company as defined in the "Cable Television Act," P.L. 1972, c. 186, (C. 48:5A-1, et seq), 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 pursuant to this Ordinance.

SECTION 4: The Township Clerk shall immediately, upon final passage and publication of this Ordinance, make and file in the Office of the Clerk of the County of Atlantic a copy of this Ordinance, together with a copy of the proof of publication thereof, duly certified by her, under the corporate seal of the Township of Egg Harbor, for recording as required by law.

SECTION 5: All ordinances or parts of ordinances which are inconsistent with the provisions of this Ordinance are, to the extent of such inconsistency, hereby repealed.

SECTION 6: Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

SECTION 7: This Ordinance shall take effect upon final passage, adoption and publication in the manner prescribed by law.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED AT A MEETING OF THE TOWNSHIP COMMITTEE OF EGG HARBOR TOWNSHIP, IN THE COUNTY OF ATLANTIC, NEW JERSEY, HELD JULY 28, 2021 AND WILL BE FURTHER CONSIDERED FOR FINAL PASSAGE AFTER A PUBLIC HEARING THEREON AT A REGULAR MEETING OF SAID TOWNSHIP COMMITTEE TO BE HELD IN THE TOWNSHIP HALL, IN SAID TOWNSHIP ON AUGUST 18, 2021 AT 5:30 P.M.

Dated: July 28, 2021

Eileen M. Tedesco, RMC
Township Clerk

Exhibit A