

Egg Harbor Township

Ordinance No. 35

2021

An ordinance to exchange certain properties between the Township of Egg Harbor and the Egg Harbor Township Board of Education, to vacate Fifth Ave. and create a right-of-way easement through a portion of Block 2902, Lot 16

WHEREAS, the Township of Egg Harbor (Township) and the Egg Harbor Township Board of Education (BOE) have inventoried their properties and determined that certain property should be under the others jurisdiction; and

WHEREAS, the Township and the BOE have determined that properties be exchanged to meet their respective needs; and

WHEREAS, for adequate consideration and mutual promises made herein, the Township and the BOE have agreed to undertake formal action and prepare the documentation necessary to effectuate the transactions set forth herein;

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

SECTION 1: The Township will transfer ownership of Block 2902 Lot 29 to the BOE by recording a quit claim deed with a copy of this Ordinance at the Office of the County Clerk.

SECTION 2: In exchange, the Township will accept the transfer of ownership of Block 2902 Lot 18 from the BOE by a quit claim deed with a copy of their authorizing resolution.

SECTION 3: Each party will accept responsibility and ownership of the properties set forth above upon recording the quit claim deeds at the Office of the County Clerk.

SECTION 4: The paper street Fifth Ave., between Alder Avenue and its terminus, as shown on Sheet 29 of the Township of Egg Harbor's Tax Map, be and hereby is vacated and all public rights therein are extinguished.

SECTION 5: The public rights arising from any dedication of said street or any portion thereof 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 6: Upon the vacation of the paper street, to wit, Fifth Ave., the title to said property shall be owned by the Egg Harbor Township Board of Education, being its sole contiguous owner.

SECTION 7: 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 8: In order to establish Alder Avenue as a public right-of-way through to Atlas Lane, the Township hereby creates a right-of-way easement through a portion of Block 2902, Lot 16, fifty (50) feet wide, to the lot line dividing Block 2902, Lot 16 and Block 2902, Lot 18.

SECTION 9: 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 10: 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 11: 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 12: 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 SEPTEMBER 1, 2021 AT 5:30 P.M.

Dated: July 28, 2021

Eileen M. Tedesco, RMC
Township Clerk