

# ORDINANCE WITHDRAWN ON DECEMBER 27, 2022

ORDINANCE NO. 2022-14

BOROUGH OF NEPTUNE CITY  
COUNTY OF MONMOUTH

## ORDINANCE AUTHORIZING THE VACATION OF THE UNIMPROVED PAPER STREET DESIGNATED AS “FIELD STREET” ON THE OFFICIAL TAX MAP OF THE BOROUGH OF NEPTUNE CITY

**WHEREAS**, the Borough of Neptune City (the “**Borough**”) has determined that the unimproved paper street designated as “Field Street”, as shown on the official tax map of the Borough, is not needed for any public purpose, and that the public interest would be best served by vacating and extinguishing all public right, title and interest in and to that portion of Field Street, so that the underlying lands may be combined with, and become and form part of, adjacent properties; and

**WHEREAS**, the area of Field Street to be vacated (the “**Subject Area**”) measures approximately 2,939 square feet, and is located adjacent to Block 18, Lot 1, which is a privately-owned lot commonly known as 96 Laird Avenue (“**96 Laird Avenue**”), and Block 8, Lot 6, which is public park owned by the Borough (the “**Laird Avenue Park**”); and

**WHEREAS**, the Subject Area, 96 Laird Avenue and the Laird Avenue Park are all located within a Non-Condemnation Area in Need of Redevelopment, as determined by the Borough Council of the Borough of Neptune City through Resolution No. 21-81 dated April 26, 2021 (the “**Redevelopment Area**”); and

**WHEREAS**, the Borough and Genesis Redevelopment, LLC (the “**Redeveloper**”) are party to a Redevelopment Agreement approved via Resolution 22-95 dated July 25, 2022 intended to facilitate the redevelopment of 96 Laird Avenue and another lot within the Redevelopment Area, and the rehabilitation of the Laird Avenue Park (the “**Redevelopment Agreement**”); and

**WHEREAS**, the Redevelopment Agreement provides that vacation of the Subject Area is conditioned upon the Redeveloper’s acquisition of title to 96 Laird Avenue and shall serve as consideration for the rehabilitation of Laird Avenue Park by the Redeveloper; and

**WHEREAS**, the Subject Area is shown on a survey prepared by Kevin E. Shelley, P.E. of Shore Pointe Engineering, dated October 10, 2022, a copy of which is attached hereto as **Exhibit A** and made a part hereof, and is more particularly described in a legal description prepared by John W. Lord, P.L.S., a copy of which is attached hereto as **Exhibit B** and made a part hereof; and

**WHEREAS**, it is the intention of the Borough that once the Redeveloper acquires title to 96 Laird Avenue, the Borough’s interest in the Subject Area will be vacated and the ownership of the underlying lands shall revert to the Redeveloper as the owner of 96 Laird Avenue by operation of law; and

**WHEREAS**, when not necessary for any public use, a public street, or part thereof, which has not been opened by the municipality, may be vacated by the governing body by Ordinance pursuant to N.J.S.A. 40:67-19, et seq.; and

**WHEREAS**, the Borough believes that the vacation of all public right, title and interest in and to in the Subject Area is in the best interests of the Borough as well as the adjacent property owners and is consistent with the policy underling the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq.

**NOW, THEREFORE, BE IT ORDAINED** by the Borough Council of the Borough of Neptune City in the County of Monmouth, State of New Jersey, that:

1. Pursuant to N.J.S.A. 40:67-19, et seq., and contingent upon the Borough acquiring title to 96 Laird Avenue, the Borough hereby vacates, extinguishes, releases and abandons all public right, title and interest in and to that unimproved paper street known as Field Street which is located immediately adjacent to Block 18, Lot 1 and Block 8, Lot 6, and is an area that measures approximately 2,939 square feet, as more particularly shown on **Exhibit A** attached hereto, and as more particularly described in **Exhibit B** attached hereto.
2. It is the intention of the Borough that once the Subject Area has been vacated, then ownership of the underlying lands shall revert to the Redeveloper by operation of law conditioned upon its prior acquisition of title to 96 Laird Avenue.
3. The provisions of this Ordinance shall not be deemed to vacate any rights and privileges which may be possessed by any public utility company (as defined in N.J.S.A. 48:2-13), or by any cable television company (as defined in N.J.S.A. 48:5A-1, et seq.), to maintain, repair, and replace any existing facilities in, adjacent to, over or under the said vacated area.
4. Following the introduction of this Ordinance, the Borough Clerk shall provide notice of its pending status as mandated by N.J.S.A. 40:49-6, and at least one week prior to the time fixed for further consideration and final passage of the Ordinance, the Borough Clerk shall mail a copy of the Ordinance, together with a notice of the introduction thereof, and information as to the time and place of when and where the Ordinance will be further considered for final passage, to every person whose lands may be affected by the Ordinance, by certified mail return receipt requested and regular mail, to their last known post office address(es).
5. Following the adoption of this Ordinance, the Borough Clerk shall within sixty (60) days of the effective date thereof, file a copy of this Ordinance along with the attached exhibits, certified by the Clerk, under the Seal of the Borough, to be a true and exact copy of the Ordinance, together with a copy of the proof of publication thereof, in the Office of the Monmouth County Clerk for recordation in the County's Book of Vacations, pursuant to N.J.S.A. 40:67-21.
6. Once the Subject Area has been vacated following the Redeveloper's acquisition of title to 96 Laird Avenue, then the Borough's interests in and to the said area shall be extinguished.
7. The Borough Attorney and Borough Engineer are hereby authorized and directed to undertake all actions and to prepare all documents that are necessary in order to effectuate the intentions of this Ordinance.
8. The Mayor and/or the Borough Administrator are hereby authorized and directed to execute any documents necessary to effectuate this Ordinance.
9. All costs and expenses associated with this Ordinance shall be the responsibility of the current contract purchaser of Block 8, Lot 6, and sufficient funding shall be posted by said property owner prior to the adoption of this Ordinance to cover all Borough's expenses associated with this Ordinance.
10. This Ordinance shall take effect immediately upon final passage and publication in accordance with the law.
11. The provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgement shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.
12. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

DATE INTRODUCED:                   October 24, 2022  
WITHDRAWN:                         December 27, 2022