

ORDINANCE NO. 2015-31

ORDINANCE VACATING A PORTION OF WASHINGTON STREET IN THE BOROUGH OF RED BANK, MONMOUTH COUNTY NEW JERSEY

Councilman DuPont offered the following ordinance and moved its adoption on final reading:

WHEREAS, the Mayor and Council of the Borough of Red Bank (the “Borough”) have received a request from Meridian Health Realty Corporation (“Meridian”) for a vacation of a portion of Washington Street located at the Riverview Medical Center (“Riverview), north of East Front Street and as described in Schedule “A” hereto; and

WHEREAS, the request has been referred to the Borough’s Engineer who has recommended that the Borough proceed with the vacation given that Meridian owns the property located on either side of the subject portion of Washington Street and said portion of the street is only used for access to Riverview and no longer needed by the Borough; and

WHEREAS, the Borough Council does hereby determine that aforementioned portion of Washington Street as set forth in the description attached hereto as Schedule “A” is no longer needed for public purposes; and

WHEREAS, N.J.S.A. 40:67-19 authorizes a municipality to release and extinguish the public right's arising from the dedication of a street; and

NOW, THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Red Bank, Monmouth County, New Jersey, as follows:

SECTION ONE:

1. The rights of the public and the Borough of Red Bank in and to the portion of Washington Street as described in the attached Schedule “A” is hereby extinguished and vacated.
2. Expressly reserved and excepted from vacation authorized herein are all rights and privileges possessed by public utilities, as defined in R. S. 48:2-13, any by any cable television company as defined the “Cable Television Act”, (N.J.S.A. 48:5A-1 et. seq.), to maintain, repair and replace their existing facilities in, adjacent to, over or under the streets to be vacated.
3. At least one week prior fixed for consideration of this Ordinance for final passage, a copy thereof, together with the notice of introduction thereof and the time and place when and where the Ordinance will be considered for final passage, shall be mailed to every person whose land may be affected by this Ordinance so far as may be ascertained. Said notices shall be mailed by the Borough Clerk in accordance with the provisions of N.J.S.A. 40:49-6.
4. The Borough Clerk shall, within sixty (60) days of the effective date of this Ordinance file a copy of this Ordinance certified by her under seal of the municipality, to be a true copy thereof, together with proof of publication thereof, in the office of the Clerk of the County of Monmouth in accordance with N.J.S.A. 40:67-21.

SECTION TWO: Any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance.

SECTION THREE: If any provision of this Ordinance or the application of such provision

to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

SECTION FOUR: This Ordinance shall take effect upon its passage and adoption according to law.

Seconded by Councilman Zipprich and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilwoman Lee	(x)	()	()	()
Councilwoman Burnham	(x)	()	()	()
Councilwoman Horgan	(x)	()	()	()
Councilwoman Schwabenbauer	(x)	()	()	()
Councilman Zipprich	(x)	()	()	()
Councilman DuPont	(x)	()	()	()

Dated: December 16, 2015

First Reading/Introduction: November 23, 2015
Second Reading/Public Hearing: December 16, 2015
Adoption: December 16, 2015

I hereby certify the above to be a true copy.

Pamela Borghi, Municipal Clerk

SCHEDULE “A”

Attached Description of Roadway Vacation of
Portion of Washington Street, Borough of Red Bank.