

ORDINANCE NO. 2010-14

ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY VACATING CERTAIN PORTIONS OF THE BOROUGH'S RIGHTS IN THE EASTERN TERMINUS OF RIVER STREET AND THE EASTERN TERMINUS OF CEDAR STREET FOR THE CEDAR CROSSING AFFORDABLE HOUSING PROJECT

WHEREAS, N.J.S.A. §40:67-1, *et. seq.* permits a municipality to vacate the public rights in all, or any portion of, any street that is no longer needed for public use; and

WHEREAS, the easternmost portions of River Street and Cedar Street will no longer be needed for public use as they will become a part of the Cedar Crossing Affordable Housing Project; and

WHEREAS, the portions of these streets to be vacated are specifically described in the "Description of a Portion of Cedar Street to be Vacated", dated December 31, 2009 and prepared by Kenneth E. Baill, P.E., P.P., P.L.S. and the "Description of a Portion of River Street to be Vacated", dated December 31, 2009 and also prepared by Kenneth E. Baill, both of which descriptions are hereby incorporated herein;

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Red Bank as follows:

SECTION ONE:

- a. Those portions of Cedar Street and River Street as set forth in the above-referenced descriptions prepared by Mr. Baill are no longer needed for public use and public rights therein are hereby vacated as set forth herein;
- b. However, as required by N.J.S.A. §40:67-1(b), the Borough expressly reserves and excepts from vacation all rights and privileges currently possessed by any public utilities as defined by N.J.S.A. §48:2-13 or by any cable television company as defined in 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 street, highway, place, or any part thereof, to be vacated; and
- c. Pursuant to N.J.S.A. §40:67-21, the Borough Clerk shall, within sixty (60) days after its effective date, file a certified copy of this Ordinance, together with all attachments and proof of publication, with the Monmouth County Clerk for recording in the County Clerk's "vacations" book.

SECTION TWO: Any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance.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 immediately upon its passage and adoption according to law.

First Reading: March 22, 2010

Final Reading: April 12, 2010