

CITY OF EGG HARBOR

ORDINANCE #6-2020

**VACATING A PORTION OF 6TH STREET TERRACE
IN THE CITY OF EGG HARBOR, ATLANTIC COUNTY,
STATE OF NEW JERSEY**

WHEREAS, there has been a request to have the City of Egg Harbor vacate a portion of 6th Street Terrace pursuant to Resolution 1-2020 adopted by the City of Egg Harbor Land Use Board on January 21, 2020, in relation to an application for preliminary and final major site plan approval and variance relief in order to construct, establish and maintain a new WAWA food market with fuel dispensing facilities, outside parking, landscaping and related site improvement, said portion being more particularly described in accordance with the description set forth in Schedule A, annexed hereto; and

WHEREAS, the matter has been referred to the City Engineer who has recommended that the City proceed with the vacation; and

WHEREAS, it was determined by the City of Egg Harbor Land Use Board in its resolution of 1-2020 that the subject property has frontage on four streets, Atlantic Avenue, Philadelphia Avenue, White Horse Pike and Cincinnati Avenue and that 6th Street Terrace bisects the property between Atlantic Avenue and the White Horse Pike; and

WHEREAS, the Land Use Board specifically recommended that the City Council of Egg Harbor City vacate a portion of 6th Street Terrace as indicated on the plans presented to allow for the proposed development and an adoption by City Council of the City of Egg Harbor of a vacation ordinance for this portion of 6th Street Terrace was made a condition of approval of the development; and

WHEREAS, the Mayor and Council does hereby determine that the afore mentioned portion of the roadway as set forth in the description attached hereto as Schedule A is no longer needed for public purposes; and

WHEREAS, pursuant to N.J.S.A. 40: 67-1(b) and N.J.S.A. 40:67-19, the Council of the City of Egg Harbor may by ordinance, vacate any public street or portion thereof dedicated to public use but not accepted by the City whether or not the same or any part has been actually opened or improved; and

WHEREAS, the City Council of the City of Egg Harbor is of the opinion that the public interest would be best served by abandoning, vacating, releasing, and extinguishing any and all public rights which the City may have in and to a rights of way and /or paper street known as 6th Street Terrace as shown on schedule A attached hereto.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Egg Harbor, Atlantic County, State of New Jersey, as follows:

SECTION A

1. The rights of the public and the City of Egg Harbor in and to the portion of 6th Street Terrace as described in the attached Schedule A is hereby extinguished and vacated.
2. At least (7) days prior to the time fixed for the consideration of this ordinance for final passage, a copy thereof, together with a notice of the introduction thereof and the time and place when and where the Ordinance will be further considered for final passage, shall be given by the City of Egg Harbor to the owners of all real property as shown on the current tax map, whose property adjoins 6th Street Terrace whose land may be affected by this Ordinance. This is notice required by N.J.S.A. 40:67-19 and N.J.S.A. 40:49-6.
3. At least (10) days prior to the time fixed for the consideration of this Ordinance for final passage a copy of this Ordinance ,together with its notice of its introduction and the time and place when and where the ordinance will be further considered for final passage, shall be published at least once in a newspaper published and circulated in the City of Egg Harbor. This is also the notice required by N.J.S.A. 40:49-6 and N.J.S.A. 40:67-19.
4. The City Clerk shall, within sixty (60) days of the effective date of this Ordinance, file a copy of this Ordinance certified by and under the seal of the municipality, to be a true copy thereof, together with proof of publication thereof, in the office of the County Clerk in accordance with the provisions of N.J.S.A. 40: 67-21.

SECTION B

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistencies.

SECTION C

If any article, section, subsection, paragraph, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

SECTION D

This Ordinance shall take effect immediately upon final passage and publication as provided by law.

Introduced: April 9, 2020

Publication: April 15, 2020

Public Hearing: April 23, 2020

Adoption:

ATTEST:

Meg Steeb
CITY CLERK

APPROVED BY THE MAYOR: _____,2020

Lisa Jiampetti