

ORDINANCE #12-2022

VACATE RIGHTS OF WAY ON PORTIONS OF ZSCOCKE STREET, HARLEM AVENUE AND HAMBURG AVENUE 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 rights of way on portions of Zscocke Street, Harlem Avenue and Hamburg Avenue pursuant to Resolution 3-2022 adopted by the Egg Harbor City Land Use Board on July 19, 2022, in relation to an application requesting that the rights of way on portions of these streets be vacated said streets being more particularly described in accordance with the descriptions set forth as Exhibit A, annexed hereto; and

WHEREAS, the matter was referred to the City Engineer who has recommended that the City proceed with the vacation pursuant to a report dated July 19, 2022; and

WHEREAS, it was recommended by the City of Egg Harbor Land Use Board in its Resolution 3-2022 that the City Council vacate the rights of way on portions of Zscocke Street, Harlem Avenue and Hamburg Avenue as shown on the right of way vacation plan prepared by Thomas H. Darcy dated May 31, 2022 and descriptions of rights of way dated 6-6-22 and attached as Exhibit A hereto: and

WHEREAS, the City of Egg Harbor Land Use Board noted in its Resolution 3-2022 that the Estates of John E. Leek and Beatrice Y. Leek own the property surrounding the rights of way on the portions of the streets proposed for vacation and that the streets are paper streets that serve no public purpose; 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 and rights of way 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 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 and rights of way which the City may have in and to any rights of way upon portions of Zscocke Street, Harlem Avenue and Hamburg Avenue as shown on Exhibit 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 on portions of Zscocke Street, Harlem Avenue and Hamburg Avenue as described in the attached Exhibit A are 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 Zscocke Street, Harlem Avenue and Hamburg Avenue 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.
5. The Applicant shall be responsible for the cost of the revision to the Tax Map of the City of Egg Harbor.

SECTION B

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistencies.

SECTION C

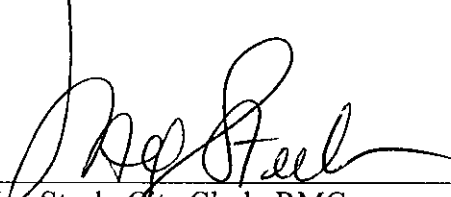
If any article, section, subsection, paragraph, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

SECTION D

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

INTRODUCED: August 25, 2022
PUBLICATION: August 31, 2022
PUBLIC HEARING: September 22, 2022
ADOPTED: September 22, 2022

Dated: September 22, 2022



Meg Steeb, City Clerk, RMC

Lisa Jampetti, Egg Harbor City Mayor