

**CITY OF NORTHFIELD, NEW JERSEY
ORDINANCE NO. 10 2016**

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF NORTHFIELD,
COUNTY OF ATLANTIC, STATE OF NEW JERSEY, PROVIDING FOR
THE VACATION OF A PORTION OF HELEN DRIVE IN THE CITY OF
NORTHFIELD**

WHEREAS, pursuant to N.J.S.A. 40:67-1 et seq., the governing body of a municipality may make, amend, repeal and enforce an ordinance to vacate any public street, highway, lane or alley, or any portion thereof; and

WHEREAS, the City of Northfield has received a request from Stella M. Christoforo and Michael A. Hulse, owners of Block 33, Lot 42 on the official Tax Map of the City of Northfield for the City of Northfield to vacate a 761.36+/- square foot portion of Helen Drive; and

WHEREAS, the 761.36+/- square foot area to be vacated is more particularly described by the metes and bounds description attached hereto as Exhibit "A" and is graphically depicted in the "Street Vacation Plan" prepared by Arthur W. Ponzio Co. & Associates, Inc. attached hereto as Exhibit "B"; and

WHEREAS, the Council for the City of Northfield has determined that the 761.36+/- square foot area to be vacated has not been improved, does not provide public access and is no longer needed for public purposes; and

WHEREAS, the Council for the City of Northfield is of the opinion that it is in the best interests of the City of Northfield and its citizenry to abandon, vacate, release and extinguish any and all public rights in and to the 761.36+/- square foot area to be vacated as described in Exhibit "A" and depicted in Exhibit "B", which area is no longer needed for a public purpose; and

WHEREAS, the aforesaid vacation is hereby expressly made without recourse, warranty or representation of any type or kind and subject to any and all easements, claims of easements, restrictions, defects, liens, encumbrances, adverse claims or circumstances, encroachments, violations, variances, rights and privileges possessed by any person or entity including but not limited to public utility or cable television companies on, over, under and across the described portion of the 761.36+/- square foot area to be vacated as described in Exhibit "A" and depicted in Exhibit "B".

BE IT ORDAINED, by Council for the City of Northfield, County of Atlantic, and State of New Jersey as follows:

Section 1. Subject to the conditions set forth herein, the rights of the public in and to the 761.36+/- square foot area to be vacated as described in Exhibit "A" and depicted in Exhibit "B", both being attached hereto and made a part hereof, are hereby released, extinguished and vacated.

Section 2. The area hereby vacated, is conveyed and shall merge, consolidate with, and become a part of the adjoining lands as provided for by operation of law.

Section 3. The vacation hereby enacted expressly reserves and excepts from vacation all rights and privileges possessed by public utilities, as defined by R.S. 48:2-13, and by any cable television company, as defined in the “Cable Television Act” P.L. 1972c. 186 (c.48:5A-1 et. seq.), to maintain, repair and replace their existing facilities in, adjacent to, over or under the vacated right-of-way.

Section 4. The vacation hereby enacted is expressly made without recourse, warranty or representation of any type or kind and subject to any and all easements, claims of easements, restrictions, defects, liens, encumbrances, adverse claims or circumstances, encroachments, violations, variances, rights and privileges possessed by any person or entity on, over, under and across the described portion of the 761.36+/- square foot area to be vacated as described in Exhibit "A" and depicted in Exhibit "B".

Section 5. It is the intent of the City of Northfield to vacate the aforementioned interests that the public may have in the aforementioned right-of-way, subject, however, to the reservations set forth herein, and to provide that the property shall be conveyed in its “as is”, “where is” and “with all faults” condition for no further consideration.

Section 6. The City Clerk shall, within sixty (60) days of the effective date of this Ordinance, file a copy of this Ordinance certified by her under the seal of the City of Northfield to be a true copy thereof, together with proof of publication thereof, in the office of the Clerk of the County of Atlantic in the Book of Vacations, in accordance with applicable law.

Section 7. If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

Section 8. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

Section 9. This Ordinance shall take effect upon passage and publication in accordance with applicable law.

Mary Canesi, RMC, Municipal Clerk

Erland Chau, Mayor

The above Ordinance will be introduced at a regular meeting of the Council of the City of Northfield, New Jersey held on August 30, 2016 and will be taken up for a second reading, public hearing and final passage at a meeting of said Council held September 13, 2016 in Council Chambers, City Hall, Northfield, New Jersey.

FIRST READING:	August 30, 2016
PUBLICATION:	September 3, 2016
SECOND READING:	September 13, 2016
PUBLICATION:	September 17, 2016