

**CITY OF NORTHFIELD, NEW JERSEY
ORDINANCE NO. 12-2015**

**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 AN 8' WIDE PUBLIC ALLEY LOCATED IN
BETWEEN LOTS 14, 15, 21.02, 24, 22 AND 5 IN BLOCK 41 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 Siganos Realty, LLC, owner of Block 41, Lot 22 on the official Tax Map of the City of Northfield for the City of Northfield to vacate a 258 +/- square foot portion of an 8' wide public alley situate adjacent to Lots 12, 15, 21.02, 24, 22 and 5 in Block 41 on the official Tax Map of the City of Northfield; and

WHEREAS, the 258 +/- 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 "Parcel Map for Proposed Right of Way Vacation" prepared by Thomas H. Darcy Assoc. P.A. attached hereto as Exhibit "B"; and

WHEREAS, the Council for the City of Northfield has determined that the 258 +/- 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 258 +/- 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 258 +/- 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 258 +/- 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 258 +/- 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 was passed on first reading at a regular meeting of the Council of the City of Northfield, New Jersey on the 14th day of April, 2015, and will be taken up for a second reading, public hearing and final passage at a meeting of said council held on the 12th day of May, 2015, in Council Chambers, City Hall, Northfield, New Jersey.

First Reading: April 14, 2015
Publication: April 18, 2015
Final Reading: May 12, 2015
Publication: May 16, 2015

Thomas H. Darcy Assoc. P.A.

Professional Land Surveying
Professional Planning
A Professional Corporation
118 E. Jimmie Leeds Road
Galloway, New Jersey, 08205
609-652-2606
Fax-652-2246

Thomas H. Darcy JD MA

Professional Land Surveyor 23925
Professional Planner 2110

Map Archives

Conrad Geo. Thies PLS 8152
1920-1960
James Arthur Best PLS 3183
1930-1970
Edward Wootton PLS 2159
1920-1950

4-13-2015

**METES AND BOUNDS DESCRIPTION FOR
VACATION OF A PORTION OF A PUBLIC RIGHT OF WAY**

All that certain portion of a public right of way lying, being and situate in the City of Northfield, County of Atlantic, and State of New Jersey, being more particularly described as follows:

BEGINNING at a point where the extended division line between tax lots 22 and 24 intersects the Southeasterly line of a 5 foot wide alley, said point being North 84 degrees West 133.74 feet from the Northwesterly line of Tilton Road (60 feet wide), and extending thence

1. North 41 degrees 53 minutes 15 seconds West, a distance of 5.00 feet to a point in the Northwesterly line of said alley; thence

2. North 48 degrees 06 minutes 45 seconds East, along the said line of the alley, a distance of 54.36 feet to a point in the extended division line between tax lots 24 and 22; thence

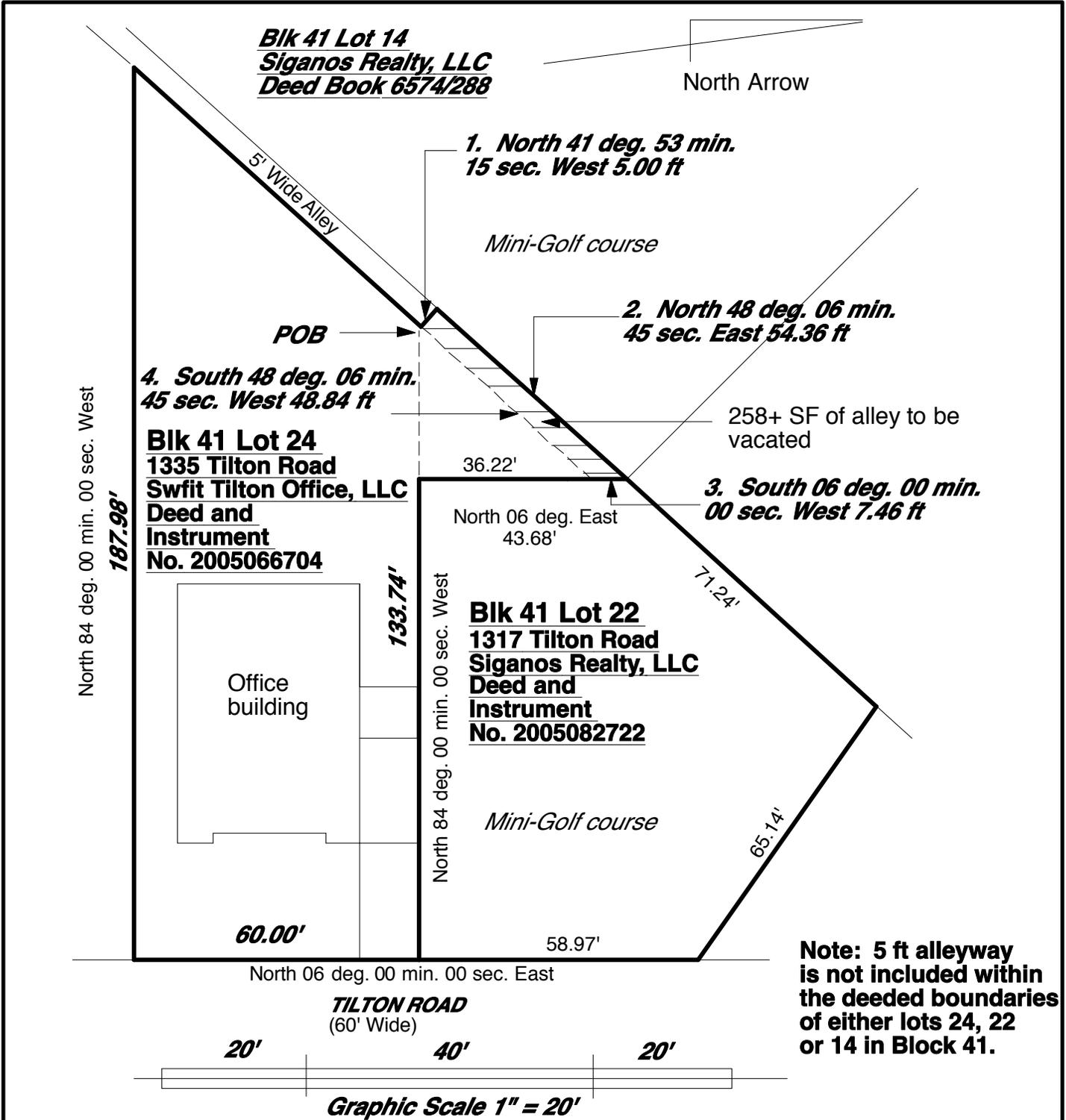
3. South 06 degrees 00 minutes 00 seconds West, along the said division line a distance of 7.46 feet to a point in the Southeasterly line of said alley; thence

4. South 48 degrees 06 minutes 45 seconds West, along the same, a distance of 48.84 feet to the point and place of **BEGINNING**.

Containing 258 square feet.

Thomas H. Darcy

THOMAS H. DARCY PLS # 23925



Parcel Map for Proposed Public Right of Way Vacation

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 609-652-2606
 tomhdarcy@comcast.net

Thomas H. Darcy

Professional Land Surveyor NJ License 23925

Thomas H. Darcy

Municipality : City of Northfield, Atlantic County, New Jersey

Scale: 1"=20'

Drawn by darcy

Date: 2-5-2015

Revised 4-13-2015