

**TOWNSHIP OF DOWNE
COUNTY OF CUMBERLAND**

ORDINANCE NO. 2021-3

**ORDINANCE OF THE TOWNSHIP OF DOWNE AUTHORIZING
THE VACATION OF SURF AVENUE**

WHEREAS, the residents adjacent to Surf Avenue, being Robert G. and Monica M. Howell and William and Betsy Ann Osterman have requested that the Township of Downe vacate the entirety of Surf Avenue and permit each landowner to add a portion of such land to their properties; and

WHEREAS, this Avenue is not improved or open for traffic by the public and of no use to the Township of Downe; and

WHEREAS, the Township Committee of the Township of Downe is desirous of vacating Surf Avenue and permitting the adjacent landowners the opportunity to divide the land between themselves; and

WHEREAS, the legal descriptions of the street/avenue to be vacated are attached hereto and made a part hereof as Exhibit A;

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Downe, that Surf Avenue, more accurately described in the description attached hereto as Exhibit A, and made a part hereof, be and are hereby vacated and the property consisting of Surf Avenue are hereby conveyed to the adjoining property owners on both sides; and

BE IT FURTHER ORDAINED that in accordance with N.J.S.A. 40:67-1(b) and N.J.S.A. 40:67-21, within 60 days of the date hereof, the Clerk of the Township of Downe shall file a copy of this Ordinance under the seal of the Township of Downe certified to be a true copy thereof, together with a copy of the proof of publication with respect to the publication of this Ordinance with the recorder of Deeds at the County of Cumberland to be recorded in the property index in a book of records entitled "vacations"; and

BE IT FURTHER ORDAINED that the vacation of the aforesaid lands known as Surf Avenue shall become part of the tax lot and block designations of the lands owned by the adjacent property owners on both sides according to the terms hereof; and

BE IT FURTHER ORDAINED that the adjacent landowners shall record all-inclusive deeds with full legal descriptions including the land hereby vacated at the expense of the landowners.

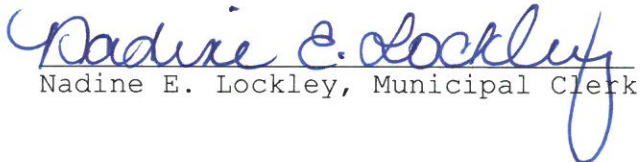
BE IT FURTHER ORDAINED that the Township of Downe expressly reserves and excepts from vacation all rights and privileges then possessed by public utilities, as defined in R.S. 48:2-13, and by any cable television company, as defined in the "Cable Television Act", P.L. 1972, c. 186 (C. 48:5A-1 et seq.), to maintain, repair and replace their existing facilities in, adjacent to, over or under the street, highway, lane, alley, square, place or park, or any part thereof, to be vacated.

BE IT FURTHER ORDAINED that a copy of this Ordinance, proof of publication, recording information and any all-inclusive Deeds shall be provided to the Tax Assessor of the Township of Downe.

ADOPTED at a Regular Meeting of the Township of Downe Township Committee meeting held on May 10, 2021.

ATTEST:

TOWNSHIP OF DOWNE


Nadine E. Lockley, Municipal Clerk


Michael L. Rothman, Mayor

STATE OF NEW JERSEY :
: ss
COUNTY OF CUMBERLAND :

Please take notice that the above proposed Ordinance was introduced and passed by the Township of Downe, Township Committee, in the County of Cumberland at a meeting held on April 12, 2021 and will be considered for final adoption after a Public Hearing to be held on May 10, 2021 at the Downe Township Municipal Building in Newport, New Jersey.

ATTEST


Nadine Lockley, Municipal Clerk



**TOWNSHIP OF DOWNE
CUMBERLAND COUNTY, NEW JERSEY
RECORD FOR ORDINANCE # 2021-3**

Introduce Ordinance on First Reading

Motion: CAMPBELL

Second: BART

Introduce Ordinance / First Reading Date: APRIL 12, 2021
Ordinance Published: APRIL 16, 2021
Ordinance Posted: APRIL 12, 2021
Public Hearing / Second Reading Date: MAY 10, 2021

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Burt, S.	X			
Byrne, S.	X			
Rothman, M.	X			
Bart, E.	X			
Campbell, R.	X			

Adoption of Ordinance

Motion: CAMPBELL

Second: BURT

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Burt, S.	X			
Byrne, S.	X			
Rothman, M.	X			
Bart, E.	X			
Campbell, R.	X			

Final Adoption Date: MAY 10, 2021
Notice of Final Passage Published: MAY 16, 2021
Notice of Final Passage Posted: MAY 10, 2021

May 10, 2021
Date

Nadine E. Lockley
Nadine E. Lockley, Municipal Clerk