

Borough of Matawan
201 Broad Street
Matawan New Jersey 07747
(732) 566-3898
www.matawanborough.com



Public Notice of Pending Ordinance 23-20

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Governing Body of the Borough of Matawan, in the County of Monmouth, State of New Jersey, on December 5, 2023. It will be further considered for final passage, after public hearing thereon, at a meeting of the Governing Body to be held at the Borough of Matawan, Matawan Municipal Community Center, 201 Broad Street, Matawan, New Jersey 07747 on December 19, 2023 at 7:00 o'clock PM. During the week prior to and up to and including the date of such meeting, copies of the full ordinance will be available at no cost and during regular business hours at the Clerk's Office for the members of the general public who shall request the same or on the Borough of Matawan website at www.matawanborough.com.

Karen Wynne, RMC
Municipal Clerk

ORDINANCE 23-20

AUTHORIZING THE VACATION OF A PORTION OF BANK STREET

FOR THE PROPERTY DESIGNATED AS

BLOCK 5, LOTS 6, 7, 8 AND 9 ON THE TAX MAP

OF THE BOROUGH OF MATAWAN,

COUNTY OF MONMOUTH, STATE OF NEW JERSEY

WHEREAS, N.J.S.A. 40:67-1(b) provides that the governing body of every municipality may make, amend, repeal and enforce ordinances to establish, change the grade of or vacate any public street, highway, lane or alley, or any part thereof, including the vacation of any portion of any public street, highway, lane or alley measured from a horizontal plane a specified distance above or below its surface and continuing upward or downward, as the case may be; vacate any street, highway, lane, alley, square, place or park, or any part thereof, dedicated to public use but not accepted by the municipality, whether or not the same, or any part, has been actually opened or improved; and

WHEREAS, N.J.S.A. 40:67-1b further provides that the word "vacate" shall be construed to include the release of all public rights resulting from any dedication of lands not accepted by the municipality; and

WHEREAS, on October 3, 2022, the Matawan Unified Planning Board/Zoning Board of Adjustment adopted a Resolution of Approval approving the Preliminary and Final Site Plan and on November 6, 2023 adopted a Resolution of Approval approving Amended Preliminary and Final Site Plan for the property designated as Block 5, Lots 6, 7, 8 and 9 on the Tax Map of the Borough of Matawan, County of Monmouth, State of New Jersey; and

WHEREAS, the Borough now seeks to vacate that portion of Bank; and

WHEREAS, N.J.S.A. 40:67-19 provides that a public street that has been dedicated but not accepted may be vacated by a municipality upon a finding that “the public interest will be better served by releasing those lands or any part thereof from such dedication,” and

WHEREAS, N.J.S.A. 40:67-19 further provides that upon such a finding, the governing body may by ordinance release and extinguish the public right arising from said dedication as to the whole or any part of those lands, and thereupon said lands or the part thereof so released shall be effectually discharged as though the dedication had not taken place; and

WHEREAS, the Borough Council hereby finds that the portion of Bank Street described herein is no longer needed for public use and that the public interest will be better served by releasing that portion of Bank Street as described herein from such dedication.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Matawan in the County of Monmouth, State of New Jersey, as follows:

Section 1. The public’s right, title and interest in the unimproved right-of-way described on the attached Schedule A.

Section 2. Expressly reserved and excepted from the portion of this Ordinance related to the vacation of Bank Street are all rights and privileges heretofore possessed by public utilities, as defined in N.J.S.A. 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, or any part thereof, to be vacated. A perpetual easement in the property is reserved for the benefit of the Borough of Matawan and public utility companies for the purpose of ingress and egress over and upon same in order to install, maintain, repair or replace underground utility facilities including water lines, storm drainage lines, gas lines and telephone, electrical and cable television wires located beneath the surface of place or above the same.

Section 3. That notice of this vacation shall be given pursuant to N.J.S.A. 40:49-2 and N.J.S.A. 40:49-6.

Section 4. That after publication after final adoption, a certified copy of this Ordinance together with proof of publication shall be forwarded to the Monmouth County Clerk’s Office, and thereafter the Clerk’s Certificate indicating the Book and Page of the recorded Vacation shall be attached to the Ordinance.

Section 5. The Mayor and Borough Clerk are hereby authorized to execute all necessary instruments and take all necessary action with regard to this street vacation.

Section 6. By operation of law, the portion of Bank Street being vacated is deemed to revert to the property owners on either side of Bank Street to the centerline of the street.

Section 7. **Severability.** If any paragraph, section, subsection, sentence, sentence clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any Court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision of such holding shall not affect the validity of the remaining paragraphs or sections hereof.

Section 8. **Inconsistency.** All ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 9. **Effective Date.** This Ordinance shall take effect upon final passage and publication according to law.

SCHEDULE A

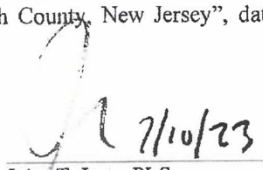
DEED DESCRIPTION FOR RIGHT OF WAY VACATION OF PROPERTY KNOWN AS A PORTION OF BANK STREET (20 FEET WIDE) AS SHOWN ON OR ABOUT TO BE SHOWN ON THE OFFICIAL TAX MAP OF THE BOROUGH OF MATAWAN, MONMOUTH COUNTY, NEW JERSEY.

BEGINNING at a point in the division line between Lot 5 on the east and Lot 6 on the west where said point meets the northerly right of way line of Bank Street (20 feet wide, Tax Map) said point being 150 feet west of the intersection of the northerly right of way line of Bank Street, aforesaid and the westerly right of way line of High Street (45 feet wide, Tax Map), thence:

1. Through the Bank Street (to be the westerly terminus of new Bank Street, South 31 degrees 48 minutes 00 seconds East a distance of 20.00 feet to the southerly right of way line of Bank Street, thence:
2. Along the aforementioned southerly right of way line (to be vacated) South 58 degrees 12 minutes 00 seconds West a distance of 109.99 feet to the westerly terminus of Bank Street (to be vacated), thence:
3. Along the aforementioned westerly terminus, the following two (2) courses: North 09 degrees 02 minutes 00 seconds West a distance of 14.38 feet to an angle point, thence:
4. North 13 degrees 00 minutes 00 seconds East a distance of 9.50 feet to the northerly right of way line of Bank Street (to be vacated), thence:
5. Along the aforementioned northerly right of way line (to be vacated) North 58 degrees 12 minutes 00 seconds East a distance of 97.73 feet to the point or place of BEGINNING.

Containing 2,103 more or less square feet or 0.048 more or less acres of land.

This description was prepared by Yorkanis & White, Inc., Professional Land Surveyors, 23 Village Court, Hazlet, New Jersey, 07730, in accordance with their plat entitled: "Consolidation Survey Plat For Property Known as Bank Street and Lots 6, 7, 8 & 9 in Block 5, Borough of Matawan, Monmouth County, New Jersey", dated February 11, 2022, revised June 29, 2023.


John T. Luts, PLS
New Jersey License No. GS43220