

CITY OF ABSECON

ORDINANCE 13-2022

**AN ORDINANCE VACATING A PORTION OF HIGHLAND BOULEVARD AND
A PORTION OF AMBASSADOR DRIVE LOCATED IN THE CITY OF ABSECON,
COUNTY OF ATLANTIC, STATE OF NEW JERSEY AND CONVEYING SUCH
LAND TO THE ADJACENT PROPERTY OWNER**

WHEREAS, Calogero Sabatini is the owner of property bordering both Highland Avenue and Ambassador Drive known as Block 199, Lot 1, on the Official Tax Map of the City of Absecon, Atlantic County, New Jersey; and

WHEREAS, Calogero Sabatini has requested the City of Absecon vacate a portion of Highland Boulevard and a portion of Ambassador Drive in accordance with a map entitled "Proposed Right of Way Easement / Dedications – Highland Boulevard & Mill Road Right of Way Dedications" dated July 27, 2020 and prepared by Remington Vernick Engineers, Inc., attached hereto as Exhibit "A" and incorporated herein by reference; and

WHEREAS, Remington Vernick Engineers, Inc., has prepared a metes and bounds description of the portions of Highland Boulevard and Ambassador Drive to be vacated, attached hereto as Exhibit "B" and incorporated herein by reference; and

WHEREAS, N.J.S.A. 40:67-1(b) authorizes the governing body of every municipality to adopt an ordinance to vacate any public street or any part thereof; and

WHEREAS, pursuant to N.J.S.A. 40:67-19, a municipality may vacate a public street where there has been a dedication of lands as a public street and same has not been accepted by the municipality and it shall appear to the governing body of the municipality that the public interest will be better served by releasing those lands or a part thereof from such dedication and the lands or part thereof released from the dedication shall be effectively discharged therefrom as though the dedication had not taken place; and

WHEREAS, pursuant to N.J.S.A. 40:49-6, a municipality must publish ordinances authorizing vacations or dedications of land in the manner required by N.J.S.A. 40:49-2, except that every such ordinance, after being introduced and having passed a first reading, shall be published at least once not less than ten (10) days instead of one week prior to the time fixed for further consideration for final passage, and, at least one week prior to the time fixed for final passage, a copy of such ordinance, together with a notice of the introduction thereof and the time and place when and where the ordinance shall be considered for final passage shall be mailed to every person whose lands may be affected by the ordinance; and


WHEREAS, pursuant to N.J.S.A. 40A:12-5 and N.J.S.A. 40 A:12-13, a municipality has the power to acquire or sell any real property for a public purpose through negotiated agreement; and

WHEREAS, the City Council of the City of Absecon has determined that it would fulfill a public purpose to vacate a portion of Ambassador Drive (as shown and more fully described in Exhibits "A" and "B" attached hereto and incorporated herein by reference) as same is not needed nor used as a public street, and to convey the vacated lands to Calogero Sabatini in accordance with law.

NOW, THEREFORE, BE IT ORDAINED, by the City Council of the City of Absecon, County of Atlantic, and State of New Jersey as follows:

1. The portion of Highland Boulevard more fully described in the attached Exhibit "A" be and is hereby vacated; and
2. The portion of Ambassador Drive more fully described in the attached Exhibit "A" be and is hereby vacated; and
3. The vacated lands formerly comprising that portion of Highland Boulevard and Ambassador Drive are to be conveyed to Calogero Sabatini in accordance with law, and shall merge, consolidate with, and made part of his respective property identified as Block 199, Lot 1, on the Official Tax Map of the City of Absecon, Atlantic County, New Jersey; and
4. The Mayor and City Clerk are hereby authorized and directed to execute any documents which may be required to convey the aforesaid lands; and
5. The City Tax Collector and Tax Assessor are hereby authorized and directed to take any action necessary to further the purposes of this ordinance; and
6. The City of Absecon, pursuant to the provisions of N.J.S.A. 40:67-1(b), hereby expressly reserves and excepts from vacation all rights and privileges currently 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, N.J.S.A. 48:5-1 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; and
7. Pursuant to N.J.S.A. 40:49-6, the City Clerk shall publish this Ordinance in the manner required by N.J.S.A. 40:49-2, except that after same has been introduced and passed a first reading, this Ordinance shall be published at least once not less than ten (10) days prior to the time fixed for further consideration for final passage, and the Clerk shall, at least one week prior to the time fixed for final passage, mail a copy of this Ordinance, together with a notice of the introduction thereof and the time and place when and this Ordinance shall be considered for final passage to every person whose lands may be affected by this Ordinance; and
8. Within sixty (60) days after this Ordinance becomes effective, the Township Clerk shall file a copy thereof, certified by her, under the Seal of the City of Absecon to be a true copy of such Ordinance, together with a proof of publication thereof, in the office of the Atlantic County Clerk to be recorded in a book with proper index to be provided for this purpose entitled "vacations", in accordance with the provisions of N.J.S.A. 40:67-21; and
9. 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 provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and
10. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and
11. This Ordinance shall take effect upon passage and publication in accordance with applicable law.

DATED: September 15th, 2022

SIGNED: 
Kimberly Horton, Mayor

ATTEST: 
Carie A. Crone, RMC, Municipal Clerk

Passed on first reading at a regular meeting of the Municipal Council held on August 4th, 2022.
Laid over and advertised for public hearing and final adoption on September 15th, 2022. Notice is
hereby given that the foregoing Ordinance was approved for final adoption by the Municipal
Council of the City of Absecon at a regular meeting held on September 15th, 2022.