

**CITY OF ABSECON**

**ORDINANCE 04-2023**

**AN ORDINANCE RELEASING, EXTINGUISHING, AND VACATING THE RIGHTS OF THE PUBLIC IN A PAPER STREET KNOWN AS MADISON SQUARE LOCATED IN THE CITY OF ABSECON, COUNTY OF ATLANTIC, STATE OF NEW JERSEY AND CONVEYING A PORTION OF SAID LAND TO AN ADJACENT PROPERTY OWNER**

**WHEREAS**, there exists in the City of Absecon, County of Atlantic, State of New Jersey, a paper street known as Madison Square as shown on the Official Tax Map of the City of Absecon; and

**WHEREAS**, the entirety of the unimproved street is neither open to the public for purposes of vehicular traffic nor publically maintained as a street; and

**WHEREAS**, the City has received a request to have the City vacate Madison Square between the limits of Pleasant Avenue and Summit Avenue / Joseph Lane on the tax map of the City of Absecon; and

**WHEREAS**, Remington Vernick Engineers, Inc., has prepared a metes and bounds description and drawing of Madison Square to be vacated, attached hereto as Exhibit A and incorporated herein by reference; and

**WHEREAS**, N.J.S.A. 40:67-1b and N.J.S.A. 40:67-19 permit a municipality to vacate a street which has not been accepted or opened by the municipality if it appears to the governing body that the public interest will be served by vacating such street; and

**WHEREAS**, the City does hereby determine that the aforementioned Madison Square as described in Exhibit A is no longer needed for public purposes, and that it is in the public interest to vacate that portion of Madison Square.

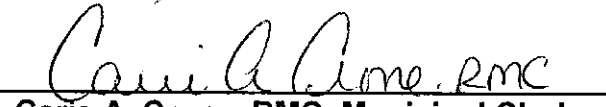
**NOW, THEREFORE, BE IT ORDAINED**, by the City Council of the City of Absecon, County of Atlantic, and State of New Jersey as follows:

1. The rights of the public and the City of Absecon in and to Madison Square between the limits of Pleasant Avenue and Summit Avenue / Joseph Lane, as more particularly described and depicted in Exhibit A are hereby extinguished and vacated; and
2. The City expressly reserves and excepts from vacation all rights and privileges possessed by public utilities as defined by N.J.S.A. 48:2-13, and by any cable television company, as defined in the Cable Television Act," N.J.S.A. 48:5A-1 et seq., to maintain, repair and replace their existing facilities in, adjacent to, over or under that portion of Trenton Avenue to be vacated; and
3. A portion of the vacated lands shall be conveyed by Quitclaim Deed to adjacent land on Block 260, Lot 1.02, and Block 261, Lot 1.01, which is owned by Martin B. Wallet and Stephanie R. Walley, husband and wife, who shall acquire said portion; and

4. The remaining portion of the vacated lands shall be conveyed as provided by law; and
5. This Ordinance shall be published in the manner required by N.J.S.A. 40:49-2, except that after being introduced and having passed a first reading, it 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.
6. At least seven (7) days prior to the time fixed for further consideration for final passage of this Ordinance, a copy hereof, together with a notice of the introduction hereof, and the time and place where this Ordinance will be further considered for final passage, shall be mailed to every person whose lands may be affected by this Ordinance at his or her last known post office address.
7. The City Clerk shall, within sixty (60) days after the effective date of this Ordinance, record a copy of this Ordinance, certified to be a true copy, under the seal of the City, together with a copy of the proof of publication thereof, in the office of the Atlantic County Clerk in accordance with the provisions of N.J.S.A. 40:67-21.
8. The Mayor and City Clerk are hereby authorized to execute any documents as may be required in order to effectuate the vacation of Madison Square and Deeds to the adjacent property owners.
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: February 16<sup>th</sup>, 2023**

**SIGNED:**   
Kimberly Horton, Mayor

**ATTEST:**   
Carrie A. Crone, RMC, Municipal Clerk

Passed on first reading at a regular meeting of the Municipal Council held on February 2<sup>nd</sup>, 2023. Laid over and advertised for public hearing and final adoption on February 16<sup>th</sup>, 2023. 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 February 16<sup>th</sup>, 2023.