

**CITY OF NORTHFIELD, NJ  
ORDINANCE NO. 13-2020**

**AN ORDINANCE OF THE CITY OF NORTHFIELD, COUNTY OF ATLANTIC, STATE OF NEW JERSEY, RELEASING, EXTINGUISHING AND VACATING THE RIGHTS OF THE PUBLIC TO A PORTION OF A PAPER STREET KNOWN AS SPRUCE AVENUE IN THE CITY OF NORTHFIELD**

**WHEREAS**, pursuant to *N.J.S.A. 40:67-1(b)* and *N.J.S.A. 40:67-19*, the Common Council of the City of Northfield may, by ordinance, vacate any public street or portion thereof, dedicated to public use, in order to serve the interest of the City; and

**WHEREAS**, the City of Northfield has no need for a portion of Spruce Avenue, between Block 54, Lot 2 and Block 55, Lot 1 and Block 55, Lot 4.03; and

**WHEREAS**, the Municipal Engineer, Schaeffer, Nassar, Scheidegg Consulting Engineers, LLC, has performed a survey to provide a legal description of the paper street being vacated; and

**WHEREAS**, it has been determined by the Common Council of the City of Northfield as follows:

1. the portion of Spruce Avenue described herein is not needed for public road purposes; and
2. it is in the best interest of the general public and the City of Northfield that the rights and interests in and to same shall as a public right of way be vacated, released and extinguished; and

**WHEREAS**, pursuant to *N.J.S.A. 40:67-1(b)* the Common Council must, by Ordinance, preserve the right of public utilities to maintain, repair and replace their existing utility facilities, including cable television facilities, in adjacent to, over, or under the property or right-of-way to be vacated;

**NOW, THEREFORE, BE IT ORDAINED** by the Common Council of the City of Northfield as follows:

**SECTION 1.** All public easements, right and interests to a portion of Spruce Avenue as described herein are hereby vacated, released and extinguished except for all rights and privileges now 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-A-1, et. seq.*, to maintain, repair and replace their existing facilities in, adjacent to, over or under any street, or any part thereof, to be

vacated subject to the conditions described herein; all conditions, unless otherwise noted, shall be satisfied prior to said vacation being effective.

Description of the portion of apportion Spruce Avenue being vacated:

All that certain tract or parcel of land, situate in the City of Northfield, County of Atlantic, State of New Jersey and being further described and bounded as follows:

BEGINNING at a point at the intersection of the Northwesterly line of Maple Avenue (33.00 feet wide) and the Northeasterly line of Spruce Avenue (33.00 feet wide); thence

1. along the Northwesterly line of Maple Avenue, South 39 degrees 00 minutes 00 seconds West 33.00 feet to a point; thence
2. along Lot 2 of Block 54, North 51 degrees 00 minutes 00 seconds West 110.00 feet to a point; thence
3. still along Lot 2 of Block 54, South 39 degrees 00 minutes 00 seconds West 36.25 feet to a point; thence
4. along the Easterly line of Lake Avenue (40.00 feet wide), North 01 degrees 41 minutes 52 seconds West 91.34 feet to a point; thence
5. along Lots 4.03 and 1 of Block 55, South 51 degrees 00 minutes 00 seconds East 169.56 feet to the Point of Beginning.

CONTAINING: 5,692 square feet of land.

**SECTION 2.** The Municipal Clerk shall publish this ordinance, after being introduced and having passed a first reading, at least once not less than ten (10) days prior to the time fixed for further consideration for final passage, pursuant to *N.J.S.A. 40:49-6*.

**SECTION 3.** The Municipal Clerk shall, at least one (1) week prior to the time fixed for final passage of such ordinance, mail a copy thereof, together with a notice of introduction thereof, and the time and place when and where the ordinance will be further considered for final passage, to every person whose lands may be affected by the ordinance of any assessment which may be made in pursuance thereof, pursuant to *N.J.S.A. 40:49-6*.

**SECTION 4.** The Municipal Clerk shall within sixty (60) days after such ordinance becomes effective file a certified copy of the ordinance vacating the street with the office of the County Clerk in a special book set aside for dedications and vacations, pursuant to *N.J.S.A. 40:67-21*.

**SECTION 5. Repealer.** All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.

**SECTION 6. Severability.** If any Section or part of this Ordinance is deemed to be invalid or illegal in any Court or competent jurisdiction then said part is severable from the Ordinance as a whole and the remaining sections or parts of this Ordinance shall remain in full force and effect.

**SECTION 7. Effective Date.** This Ordinance shall take effect according to law after final passage and publication.

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Mary Canesi, RMC, Municipal Clerk

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Erland Chau, Mayor

The above ordinance was introduced and passed on its first reading at a Regular Meeting of the Common Council of the City of Northfield, New Jersey held on the 15<sup>th</sup> day of September, 2020, was taken up for a second reading and public hearing on October 6, 2020, and will be taken up for final passage at a meeting of said Council on the 20<sup>th</sup> day of October, 2020, in Council Chambers, City Hall, Northfield, New Jersey.

First Reading:	September 15, 2020
Publication:	September 19, 2020
Second Reading:	October 6, 2020
Final Adoption:	October 20, 2020
Publication:	October 24, 2020