



**BOROUGH OF LAWNSIDE
ORDINANCE NO. 05 – 2021**

AUTHORIZING VACATION OF THE EASTERN PORTION OF HIGHLAND AVENUE

WHEREAS, the Borough of Lawnside (the "**Borough**") may enact ordinances pertaining to public streets, thoroughfares and sidewalks located within the Borough; and

WHEREAS, the Borough is authorized pursuant to N.J.S.A. 40:67-1 *et seq.* to establish, change the grade of, or vacate any public street, highway, lane or alley, or any part thereof at the discretion of the Borough, following notice and hearing as required by N.J.S.A. 40:49-6; and

WHEREAS, the Borough is also authorized pursuant to N.J.S.A. 40A:12A-8 (f) and 12A-39 to close and re-plan streets and to aid and cooperate in the planning, undertaking, construction or operation of redevelopment projects; and

WHEREAS, the Borough is authorized pursuant to N.J.S.A. 40:67-7, to cause public utility facilities to be removed or relocated, after notice and hearing, and subject to the reservation of rights of the utilities set forth in N.J.S.A. 48:2-13 and of any cable television company as defined in N.J.S.A. 48:5A-1 *et seq.*; and

WHEREAS, Section 3.06 of the Redevelopment Agreement between the Borough and Vineland Construction Company (the "**Redeveloper**"), calls for the vacation of streets which the Borough determines to no longer be serving a public purpose; and

WHEREAS, the Redevelopment Plan adopted by the Borough calls for the redevelopment to be undertaken in a comprehensive manner, thus giving rise to the need for vacation of streets; and

WHEREAS, the Borough Council recognizes that the undeveloped nature of the area makes it challenging to ensure that the street, which may be regarded as a paper street, is properly described and therefore the Eastern Portion of Highland Avenue (defined below) to be vacated shall be described in three (3) ways, with the Council's intent being that the broadest description of the area shall control:

- 1) the outlined area shown on the official Tax Map of the Borough of Lawnside (see **Exhibit A**) and
- 2) the portion of the street located between certain existing tax lots shown on that Tax Map, as follows:

The portion of Highland Avenue running from the western lot line of Block 602, Lot 23 to the eastern lot line of Block 602, Lot 24 and being bordered to the north by a portion of Block 601, Lot 3 and the entirety of Block 601, Lots 4 and 5.

3. Legal description (see **Exhibit B**).

Collectively, these descriptions shall be referred to as "**the Eastern Portion of Highland Avenue**"; and

WHEREAS, the Eastern Portion of Highland Avenue is bounded on either side by land owned by the Redeveloper (Block 601, Lots 3-5 and Block 602, Lots 23-24); and

WHEREAS, the Borough Engineer has reviewed the proposed vacation of the Eastern Portion of Highland Avenue and confirmed that this portion of the street is no longer serving a public purpose; and

WHEREAS, there is no municipal or public need for the Eastern Portion of Highland Avenue and it is not necessary for general public use, and the rights of the public will not be injuriously or adversely affected by the vacation; and

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Lawnside, County of Camden, State of New Jersey that:

Section I: Pursuant to N.J.S.A. 40:67-1 *et seq.*, and N.J.S.A. 40A:12A-8(f) and 40A:12A-39, the Eastern Portion of Highland Avenue shall be and the same are hereby vacated and the public easement and rights therein be and the same are hereby extinguished.

Section II: Pursuant to N.J.S.A. 40:67-7, to the extent that public utility facilities are located in the Eastern Portion of Highland Avenue, such facilities are to be removed and relocated from the Eastern Portion of Highland Avenue, subject to the reservation of the rights of any public utilities as defined in N.J.S.A. 48:2-13 and of any cable television company as defined in N.J.S.A. 48:5A-1 *et seq.*, to maintain the right of entry and easement for the Eastern Portion of Highland Avenue for the purpose of accomplishing the relocation, removal, and/or abandonment of their respective water, sewer, electric, gas, telephone and cable utilities, and appurtenances, if any, now laid, within the Eastern Portion of Highland Avenue which rights shall continue until such time when said rights are no longer needed because the proposed relocation, removal, and/or abandonment of any and all existing utilities has been accomplished, and at that time said rights are terminated and extinguished.

Section III: Pursuant to N.J.S.A. 40:67-21, the Clerk shall file a certified copy of this Ordinance, and proof of publication, and the map showing the location, bounds and dimensions, with the Register of the County of Camden within sixty (60) days after this Ordinance becomes effective. Upon the filing of this Ordinance with the Register of Camden County, title to the vacated premises shall vest in adjacent property owner discharged of the previous easement therein.

Section VI: All ordinances inconsistent herewith are hereby repealed.

Section VII: This Ordinance shall take effect at the time manner provided by law.

FIRST READING: JUNE 2, 2021

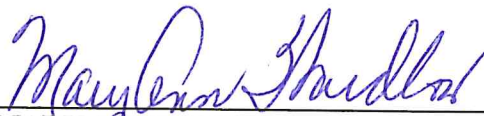
SECOND READING & PUBLIC HEARING: JULY 7, 2021

ADOPTED: JULY 7, 2021

BOROUGH OF LAWNSIDE



MARSHARÉE A. WRIGHT
ACTING BOROUGH CLERK



MARY ANN WARDLOW
MAYOR

Exhibit A

