

ORDINANCE NO. 2015 -07

**AN ORDINANCE OF THE BOROUGH OF BAY HEAD,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
VACATING ALL OF THE RIGHT, TITLE AND INTEREST
OF THE BOROUGH OF BAY HEAD IN AN EASEMENT
RUNNING THROUGH BLOCK 13 LOT 23**

WHEREAS, the governing body of the Borough of Bay Head has been requested to vacate all of the right, title and interest of the Borough of Bay Head in an easement granted by JCP&L consisting of a ten foot (10') wide easement used as an underground storm sewer line ingress/egress so that the pipe in the existing easement may be filled and a new easement across the property be granted; and

WHEREAS, the governing body makes the determination that the public will not adversely be affected by the vacation of the Borough's interest in the ten foot (10') wide easement through Block 13, Lot 23.

NOW, THEREFORE, BE IT ORDAINED, by the governing body of the Borough of Bay Head, County of Ocean, State of New Jersey, as follows:

SECTION 1. There is hereby vacated all of the right, title and interest of the Borough for all usages and purposes in a ten foot (10') wide easement through Block 13, Lot 23, used for an underground storm sewer line and appurtenances for the Borough of Bay Head and as set forth on Exhibit A, attached hereto and made a part hereof. However, the Borough does hereby expressly reserve and except from the vacation of all rights and privileges now possessed by public utilities, as defined in R.S. 48:2-13, and by 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, highway, lane, alley, square, place or park, or any part thereof, being vacated by the provisions of this ordinance.

SECTION 2. At least one (1) week prior to the time fixed for further consideration for prior passage of this ordinance, a copy hereof, together with a notice stating the introduction of the ordinance on first reading and the time and place when and where the ordinance will be considered for final passage, shall be mailed to every person whose lands may be affected by the adoption of the ordinance.

SECTION 3. This ordinance shall be published at least once in an official newspaper of the Borough at least ten (10) days prior to the time fixed for consideration of the final passage of the ordinance.

SECTION 4. The Borough Clerk, if this ordinance is adopted on final reading, shall submit a certified copy of this ordinance, together with proof of publication, to the Ocean County Clerk's Office for recording in the Book of Vacations.

SECTION 5. This ordinance shall take effect after second reading and publication as required by law.

SECTION 6. A copy of Schedule A as referenced herein shall be kept on file and made available for public inspection in the Borough Clerk's Office during normal business hours.

ATTEST:

APPROVED:

Patricia M. Applegate, Municipal Clerk William W. Curtis, Mayor

Introduced on First Reading: February 9, 2015

Introduced on Second Reading: March 2, 2015

Approved on Second Reading: March 2, 2015

ATTEST:

APPROVED:

Patricia M. Applegate, Municipal Clerk William W. Curtis, Mayor