

**ORDINANCE OF THE TOWNSHIP OF DEPTFORD AUTHORIZING THE  
VACATION OF A PORTION OF BURKE AVENUE**

**WHEREAS**, the Township of Deptford has determined that portions of Burke Avenue as shown on the official Tax Map of Deptford Township, are not needed for any public purpose(s) of the Township, and that the public interest would be best served by vacating and extinguishing all public right, title and interest in and to those portions of Burke Avenue, so that the underlying lands may be combined with, and become and form parts of, adjacent properties; and

**WHEREAS**, the area to be vacated (the "Subject Area") is more particularly depicted in the "Street Vacation Exhibit" as prepared by Federici & Akin Consulting Engineers, a copy of which is attached hereto as Exhibit "A" and made a part hereof; and

**WHEREAS**, it is the intention of the Township that once the Subject Area has been vacated, then ownership of the underlying lands shall revert to the adjoining property owners by operation of law and as indicated on the Street Vacation Exhibit ; and

**WHEREAS**, a vacation of a public street, or part thereof, may be authorized by the municipal governing body by Ordinance pursuant to N.J.S.A. 40:67-19, et seq., when there is no longer any need for the use of said area by the public; and

**WHEREAS**, the Mayor and Township Council believe that the vacation of all public right, title and interest in and to in the Subject Area, is in the best interests of the Township of Deptford, as well as the adjacent property owners.

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Township Council of the Township of Deptford, in the County of Gloucester and State of New Jersey, as follows:

1. That, pursuant to N.J.S.A. 40:67-19, et seq., the Township of Deptford hereby vacates, extinguishes, releases and abandons all public right, title and interest in and to that portion of Burke Avenue which is more particularly shown on Exhibit "A" attached hereto and known as the "Subject Area."

2. That it is the intention of the Township that once the Subject Area has been vacated, then ownership of the underlying lands shall revert to the owners of the adjacent properties by operation of law, as shown on Exhibit A.

3. That the provisions of this Ordinance shall not be deemed to vacate any rights and privileges which may be possessed by any public utility company (as defined in N.J.S.A. 48:2-13), or by any cable television company (as defined in N.J.S.A. 48:5A-1, et seq.), to maintain, repair, and replace any existing facilities in, adjacent to, over, or under the said vacated area.

4. That, following the introduction of this Ordinance, the Township Clerk shall provide notice of its pending status as mandated by N.J.S.A. 40:49-6, and at least one week prior to the time fixed for further consideration and final passage of the Ordinance the Township Clerk shall mail a copy of the Ordinance, together with a notice of the introduction thereof, and information as to the time and place of when and where the Ordinance will be further considered for final passage, to every person whose lands may be affected by this Ordinance, by certified mail return receipt requested and regular mail, to their last known post office address(es).

5. That, pursuant to N.J.S.A. 40:49-6, this ordinance after being introduced and having passed a first reading shall be published at least once not less than ten days, instead of one week, prior to the time fixed for further consideration for final passage.

6. That, following the adoption of this Ordinance, the Township Clerk shall, within sixty (60) days of the effective date thereof, file a copy of this Ordinance along with the attached Exhibit, certified by the Clerk, under seal of the Township, to be a true and exact copy of the Ordinance, together with a copy of the proof of publication thereof, in the Office of the Gloucester County Clerk for recordation in the County's Book of "Vacations," pursuant to N.J.S.A. 40:67-21.

7. That once the Subject Area has been vacated then the Township's interests in and to the said area shall be released.

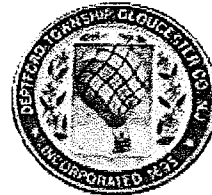
8. That the Township Attorney and Township Engineer are hereby authorized and directed to undertake all actions and to prepare all documents that are necessary in order to effectuate the intentions of the within Ordinance.

9. That the Mayor and/or the Township Manager is authorized to execute, and the Municipal Clerk is authorized to attest any and all documents, and to perform all actions, which may be necessary in order to effectuate the intentions of the within Ordinance.

10. All ordinances or parts of ordinances inconsistent or in conflict with this Ordinance are hereby repealed as to said inconsistencies and conflict.

11. If any section, part of any section, or clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional, such decision shall not effect the remaining provisions of this ordinance. The governing body of the Township of Deptford declares that it would have passed the ordinance and each section and subsection thereof, irrespective of the fact that any one or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.


12. The ordinance shall take effect immediately upon passage and publication according to law.



**TOWNSHIP OF DEPTFORD**


  
**PAUL MEDANY, MAYOR**

**ATTEST:**

  
**DINA L. ZAWADSKI, TOWNSHIP CLERK**

**CERTIFICATION**

The foregoing Ordinance was introduced at a Regular Meeting of Township Council of the Township of Deptford held on the 5<sup>th</sup> day of October, 2015 and will be considered for final passage and adoption at a Regular Meeting at which time any person interested therein will be given an opportunity to be heard. Said meeting to be held on the 9<sup>th</sup> day of November, 2015 at the Municipal Building, 1011 Cooper Street, Deptford, New Jersey.

  
**DINA L. ZAWADSKI, TOWNSHIP CLERK**

**Introduction**

RECORD OF VOTE						
Council Member	Resolution No.	Ordinance No.	Yes	No	Abstain	Absent
		<b>O.21.15</b>				
Medany			✓			
Hufnell			✓			
Barnshaw			✓			
Lamb			✓			
Love			✓			
Schocklin			✓			
Scott			✓			

**Adoption**

RECORD OF VOTE						
Council Member	Resolution No.	Ordinance No.	Yes	No	Abstain	Absent
		<b>O.21.15</b>				
Medany					✓	
Hufnell			✓			
Barnshaw			✓			
Lamb			✓			
Love			✓			
Schocklin			✓			
Scott			✓			