

BOROUGH OF WOODCLIFF LAKE
Bergen County

ORDINANCE NO. 26-11

AN ORDINANCE VACATING A PAPER STREET WITHIN THE BOROUGH OF WOODCLIFF LAKE

Section 1. AUTHORITY AND PURPOSE.

This ordinance is adopted pursuant to the authority granted to municipalities under N.J.S.A. 40:67-1 to vacate any street, highway, lane, alley, square, place or park, or any part thereof, dedicated to public use but not accepted by the municipality N.J. Stat. § 40:67-1. The governing body finds that the public interest will be better served by releasing the lands described herein from such dedication N.J. Stat. § 40:67-19.

Section 2. FINDINGS.

WHEREAS, there has been a dedication of lands as a public street which has not been accepted or opened by the Municipality; and

WHEREAS, the governing body of the Municipality has determined that the public interest will be better served by releasing those lands from such dedication N.J. Stat. § 40:67-19; and

WHEREAS, notice of the intention of the Governing Body to consider this ordinance and a hearing thereon has been given as provided in N.J.S.A. 40:49-6 concerning ordinances for the vacation of streets N.J. Stat. § 40:67-19; and

WHEREAS, the Municipality has complied with all publication requirements for municipal ordinances, including those set forth in J.J.S.A. 40:49-2.1 for ordinances adopted pursuant to the Municipal Land Use Law N.J. Stat. § 40:49-2.1; and

WHEREAS, all procedural requirements for the adoption of this ordinance have been satisfied.

Section 3. VACATION OF PAPER STREET

The Municipality hereby releases and extinguishes the public right arising from the dedication of the paper street described as Maillard Avenue and Lincoln Avenue to be dedicated as Block 2801, Lot 6; Block 2801, Lot 5; Block 2801, Lot 2; and Block 2801, Lot 18, and said lands are hereby effectually discharged from such dedication as though the dedication had not taken place N.J. Stat. § 40:67-19. The word vacate shall be construed for all purposes to include the release of all public rights resulting from the dedication of land not accepted by the municipality N.J. Stat. § 40:67-1.

Section 4. RESERVATION OF UTILITY RIGHTS.

This vacation ordinance expressly reserves and excepts from vacation all rights and privileges then possessed by public utilities, as defined in R.S. 48:2-13, and by any 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 or any part thereof to be vacated N.J. Stat. § 40:67-1.

Section 5. NOTICE OF PASSAGE.

Upon passage of this ordinance, notice of passage or approval shall be published in accordance with subsection d. of R.S. 40:49-2 N.J. Stat. § 40:49-2.1. A copy of this ordinance and of any summary published in connection with its adoption shall be forthwith transmitted to the tax assessor of the Municipality N.J. Stat. § 40:49-2.1.

Section 6. SEVERABILITY.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 7. EFFECTIVE DATE.

This ordinance shall take effect immediately upon final passage and publication as required by law.

Severability All provisions of this Ordinance are severable. If for any reason, any provision of this Ordinance is held to be invalid, the validity of the remainder of the Ordinance shall not be affected.

Effective Date. This Ordinance shall become effective upon final approval and publication, pursuant to law, and upon completion of all outstanding cases.