

**BOROUGH OF DEAL  
MONMOUTH COUNTY, NEW JERSEY**

**ORDINANCE 1164**

**AN ORDINANCE RELEASING, EXTINGUISHING AND VACATING THE RIGHT  
OF WAY AND EASEMENT ASSOCIATED WITH THE A PORTION  
OF BLOCK 57, LOTS 10.01 IN THE BOROUGH OF DEAL.**

WHEREAS, pursuant to the Local Land and Buildings Law, N.J.S.A. 40A:12-13(b)(4), a municipality, by ordinance, may “release the public rights in the nature of easements, in, on, over or under any real property within the municipality, as the case may be, upon such terms as shall be agreed upon with the owner of such lands, if the use of such rights is no longer desirable, necessary or required for public purposes;” and

WHEREAS, by Deed dated February 24, 1968 and recorded in the Monmouth County Clerk’s Office in Deed Book 3568, Page 693 on March 15, 1968 a right-of-way and easement over a portion of Block 57, Lot 10.01 in the Borough of Deal, County of Monmouth, State of New Jersey (“the Easement”); and

WHEREAS, the Borough Engineer has determined that it would be appropriate for the Borough to extinguish the Easement, as appropriate; and

WHEREAS, the homeowner shall provide confirmation that there are no other utilities within this easement; and

WHEREAS, the Governing Body has determined that it would be appropriate to vacate and release the Easement.

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Deal, in the County of Monmouth, in the State of New Jersey, as follows:

1. The Borough hereby vacates and extinguishes any and all right, title and interest to the public in and to certain lands described as a portion of Block 57, Lot 10.01 to be vacated, and more fully described in the Deeds recorded with the Monmouth County Clerk’s Office in Book 3568, Page 693 subject to all conditions set forth hereinabove.

BE IT FURTHER RESOLVED, The Mayor and Borough Clerk / Administrator are hereby authorized and directed to take such actions as are necessary to effectuate the provisions of this Ordinance including but not limited to executing an Extinguishment of Easement in a form acceptable to the Borough Attorney.

BE IT FURTHER RESOLVED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such

adjudication shall apply only to the section, paragraph, subsection, clause or provisions to adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

BE IT FURTHER RESOLVED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER RESOLVED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

Introduced by Commissioner Simhon on March 9, 2018  
Seconded by Mayor Cohen  
Roll Call: Ayes 2; Cohen and Simhon  
Absent 1; Ades

Motion to Adopt by Mayor Cohen on April 11, 2018  
Seconded by Commissioner Simhon  
Roll Call: Ayes 2; Cohen & Simhon  
Absent 1; Ades