

ORDINANCE NO. 2016-11
**AN ORDINANCE VACATING A PUBLIC RIGHT-OF-WAY BETWEEN MONMOUTH AVENUE
AND ARTHUR TERRANCE WITHIN THE BOROUGH OF KENILWORTH ADDING SECTION 170-
23.1 TO CHAPTER 170 ARTICLE 5 OF THE MUNICIPAL CODE OF THE BOROUGH OF
KENILWORTH**

Explanation: This ordinance vacates the ten (10) foot public right-of-way that remained from the previous vacation of the southerly line of Monmouth Avenue for 115.07 feet by 10 feet wide walkway. This right-of-way that separated Block 122, Lot 11 from Block 123, Lot 17 and thereby this ordinance extends the northerly side of Lot 17, Block 123 by five (5) feet and the southerly side of Block 122, Lot 11 by five (5) feet.

BE IT ORDAINED by the governing body of the Borough of Kenilworth that:

Section 1: The Town Council of the Borough of Kenilworth does hereby find that the lands hereafter described have been dedicated to public use as a public street but are not used as such and that the public interest of the Borough of Kenilworth will be better served by releasing the lands hereinafter described from the dedication thereof.

Section 2: All public rights arising from the dedication of the lands hereinafter described, being a portion of the street known as Monmouth Avenue, in the Borough of Kenilworth are hereby released and vacated.

Section 3: The said public right-of-way known as the Monmouth Avenue walkway is vacated and hereby described as follows:

BEGINNING at a point formed by the intersection of the easterly side of Arthur Terrace (formally South 25th Street) with a northerly side of the existing unvacted portion of Monmouth Avenue, thence running:

- (1) Along the said side of Arthur Terrace, South 7 degrees, 38 minutes East 10 feet to a point; thence
- (2) North 115.07 feet, along the westerly boundary of Lot 17, Block 123 to a point; thence
- (3) North 24 degrees, 22 minutes for 10 feet, along the southerly side of the unvacted portion of Monmouth Avenue to a point; thence
- (4) South 65 degrees, 37 minutes, 51 seconds for 112.06 feet to a point or place of the beginning.

Section 4: All ordinances or parts of ordinance in conflict or inconsistent with any part of the terms of this ordinance are hereby repealed to the extent that they are in such conflict or are inconsistent.

Section 5: Reserved and excepted from such vacation are all rights and privileges possessed by public utilities as defined in New Jersey Revised Statutes and by any cable television company or internet provider as defined in the "Cable Television Act" to maintain, repair and replace their existing facilities in, adjacent to over under such vacated right-of-way.

Section 6: The entire portion of the vacated property shall be annexed to 60 Arthur Terrace which is on the southerly portion of the property based upon the voluntary relinquishment of any entitlement by the owner of 56 Arthur Terrace which borders on the northerly side of the property being vacated.

Section 7: This Ordinance shall take effect twenty (20) days after the first publication thereof after final passage as provided by law.

Anthony DeLuca, Jr., Mayor