

**COUNTY OF MONMOUTH
TOWNSHIP OF WALL
ORDINANCE NO. 14- 2011**

**ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
WALL AUTHORIZING VACATION OF A PORTION OF GREGORY PLACE**

WHEREAS, N.J.S.A. 40:67-1(b) authorizes a municipality to make ordinances to vacate any street or any part thereof, dedicated to public use but not accepted by the municipality, whether or not the same or any part, has been actually opened and improved; and

WHEREAS, the Planning Board of the Township of Wall approved and granted major subdivision approval to John and Gail Monteleone (“the Applicant”) for property known as Block 280, Lot 81, on the Official Tax Map of the Township of Wall located at 2168 Gregory Place, said approval conditioned, in part, upon the vacation of the Gregory Place cul-de-sac; and

WHEREAS, the Gregory Place cul-de-sac was created on a portion of Lot 81 and dedicated to the Township, Block 280, as part of an earlier twenty-three lot major subdivision approval by the Applicant; and

WHEREAS, a portion of the existing cul-de-sac created from Lot 81 was to revert back to Lot 81 when Gregory Place was extended to Sea Girt Avenue; and

WHEREAS, in that the extension of Gregory Place is unlikely, the Applicant intends to reduce the size of the cul-de-sac from a 70 foot radius to a 50 foot radius and create a conforming residential lot at the end of Gregory Place if the Township agrees to vacate a portion of the existing cul-de-sac measuring 4,908.50 square feet; and

WHEREAS, the portion of Gregory Place to be vacated is unimproved and is no longer needed for public use.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Wall as follows:

SECTION ONE:

The property described on a document entitled: “Metes and Bounds Description, Part of Gregory Place Right of Way, Township of Wall, Monmouth County, New Jersey” prepared by Acre Survey Company, Inc., Joseph L. Lazok, Professional Land Surveyor, dated October 28, 2010, consisting of one page, attached hereto and made part hereof as Exhibit “A”, is hereby vacated.

SECTION TWO:

BE IT FURTHER ORDAINED that notice of this vacation shall be given pursuant to N.J.S.A. 40:49-2 and N.J.S.A. 40:49-6.

SECTION THREE:

BE IT FURTHER ORDAINED that the Mayor and Township Clerk are hereby authorized to execute all necessary instruments and take all necessary action with regard to the vacation of a portion of Gregory Place.

SECTION FOUR:

BE IT FURTHER ORDAINED that all rights, privileges and easements possessed by public utilities as defined in N.J.S.A. 48:2-13 and the cable television company as defined in N.J.S.A. 48:5A-1 *et seq.* as described in Exhibit "A", are excepted from the vacation of the street in order to permanently construct, maintain, replace and repair their existing facilities including, but not limited to, water, sewer, or gas utility lines. The owner or its successors or assigns shall not be allowed to construct any structures and/or additions or improvements over these utility lines.

SECTION FIVE:

BE IT FURTHER ORDAINED that the portion of the existing cul-de-sac vacated consisting of approximately 4,908.40 square feet shall revert to the exclusive possession of the dedicator or his successor in interest by virtue of fee simple ownership.

SECTION SIX:

BE IT FURTHER ORDAINED that a copy of this Ordinance and Exhibit "A" attached shall be filed and recorded with the Monmouth County Clerk pursuant to N.J.S.A. 40:67-2 and N.J.S.A. 40:67-21.

SECTION SEVEN:

If any section or provision of this Ordinance shall be held to be invalid in any court; the same shall not affect the other sections or provisions of this Ordinance except so far as the section or provision declared invalid and shall be inseparable from the remainder or any portion thereof.

SECTION EIGHT:

All ordinances or parts of ordinances inconsistent therewith are hereby repealed to the extent of such inconsistency.

SECTION NINE:

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

Motion made by Committee person _____, seconded by Committee person _____ and adopted on roll call by the following vote:

MEMBER	YES	NO	ABSTAIN	ABSENT
Mayor Ann Marie Conte				
Deputy Mayor Jeffrey W. Foster				
Committeeman Clinton C. Hoffman				
Committeeman Todd W. Luttman				
Committeeman George K. newberry				

**NOTICE AND
SUMMARY OF ORDINANCE NO. 14-2011**

**ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF
WALL AUTHORIZING VACATION OF A PORTION OF GREGORY PLACE**

This ORDINANCE vacates an unimproved portion of the existing Gregory Place cul-de-sac in the Township of Wall as no longer needed for public use.

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading by the Township Committee of the Township of Wall on March 23, 2011, and further be considered for final passage and adoption at the Wall Township Municipal Building, 2700 Allaire Road, Wall, New Jersey, on April 13, 2011 at 7:30 p.m., or as soon thereafter as the matter can be reached on the agenda, at which time and place all persons interested therein shall be given an opportunity to be heard, and during the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk’s Office in the Township of Wall, Town Hall, to members of the general public who shall request the same. A complete copy of Ordinance No. 14-2011 may be viewed at www.wallnj.com under “Legal Notices” or obtained through the Township Clerk’s Office.

LORRAINE KUBACZ
Township Clerk

ACRE SURVEY COMPANY, INC.
804 Highway 71
Spring Lake Heights, New Jersey 07762
Phone (732) 449-1151 Fax (732) 449-1030

February 10, 2011

Acre # 672

METES AND BOUNDS DESCRIPTION

Re:
Portion of Gregory Place Right Of Way To Be Vacated By The Township of Wall
Township of Wall
Monmouth County, NJ

All that certain lot, parcel or tract of land, situated in the Township of Wall, County of Monmouth and State of New Jersey, and being more particularly bounded and described as follows:

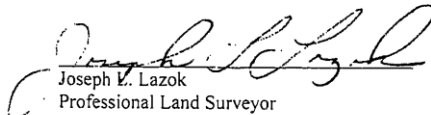
Being known as a part of the southerly right of way of Gregory Place as shown on a map entitled; " Final Map of Mid Atlantic Estates, Township of Wall, Monmouth County, N.J.". Filed in the Monmouth County Clerk's Office on July 31, 1981 in Case No. 174, Sheet No. 22.

The portion of Gregory Place Right of Way to be vacated is described as follow:

Beginning at a point in the southeasterly right of way line of Gregory Place, (50 feet wide) being South 34 degrees 30 minutes 46 seconds West, 338.29 feet from the point of intersection formed by the southwesterly line of Homestead Road, (50 feet wide), and the said southeasterly line of Gregory Place, (50 feet wide), thence;

- 1) Along the existing right of way line of Gregory Place, along a curve bearing to the left with a Radius of 50.00 feet, an Arc Length of 63.99 feet to a point of reverse curvature, thence;
- 2) Still along the existing right of way line of Gregory Place, along a curve bearing to the right with a radius of 72.00 feet, an Arc Length of 205.24 feet to a point of curvature, thence;
- 3) Along the proposed right of way line of Gregory Place, along a curve bearing to the left with a Radius of 50.00 feet, an Arc Length of 139.20 feet to a point of reverse curvature, thence;
- 4) Still along the proposed right of way line of Gregory Place, along a curve bearing to the right with a Radius of 50.00 feet, an Arc Length of 60.66 feet to a point of curvature, thence;
- 5) Still along the proposed right of way line of Gregory Place, North 34 degrees 30 minutes 46 seconds East, 45.20 feet to a point, said point being the point and place of beginning.

Said parcel contains 4,908.90 square feet.


Joseph E. Lazok
Professional Land Surveyor
NJ License No. 37200

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804 Highway 71
Spring Lake Heights, New Jersey 07762
Phone (732) 449-1151 Fax (732) 449-1030

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