

ORDINANCE #2025-

AN ORDINANCE OF THE TOWNSHIP OF LAKEWOOD, COUNTY OF OCEAN, STATE OF NEW JERSEY, RELEASING, EXTINGUISHING AND VACATING THE RIGHTS OF THE PUBLIC TO A RIGHT OF WAY LOCATED ON PORTIONS OF A PAPER STREET KNOWN AS ROCHELLE STREET (AT THE INTERSECTION OF SALLY AVENUE AND SANDAK AVENUE) IN THE TOWNSHIP OF LAKEWOOD

WHEREAS, pursuant to *N.J.S.A. 40:67-1(b)* and *N.J.S.A. 40:67-19*, the Township Committee may, by ordinance, vacate any public street or portion thereof, dedicated to public use, but not accepted by the Township, whether or not the same, or any part, has been actually opened or improved; and

WHEREAS, portions of Rochelle Street in the Township of Lakewood consist of quarter-circles of roadway at the intersections of Rochelle Street with Sally Avenue and Sandak Avenue as depicted on Tax Sheet 169. These unimproved right of way portions may have been created years ago by way of a filed map seeking to create traffic circles at these intersections, and not part of any subdivision approval; and

WHEREAS, the owners/developers of the properties located on Rochelle Street, to wit Solar Ave. LLC and Stone Mountain Estates, LLC, have received planning board approvals for major subdivisions pursuant to SD 2574 (on August 6, 2024) and Resolution SD 2604 (on March 18, 2025), respectively; and

WHEREAS, these planning board approvals were conditioned on the applicants seeking the vacation of these portions of Rochelle Avenue; and

WHEREAS, these portions of Rochelle Avenue described in the attached Exhibit A have been determined to be unnecessary for public use; and

WHEREAS, it has been determined by the Township Committee as follows:

- (1) That these portions of Rochelle Avenue described in the attached Exhibit A are not needed for public road purposes; and
- (2) That these portions of Rochelle Avenue lend themselves to higher and better uses than for public road purposes and that it is in the best interest of the general public and the Township of Lakewood that the rights and interests in and to same shall as portions of public rights of way be vacated, released and extinguished; and
- (3) All adjoining property owners to this portion of Rochelle Avenue have consented to this proposed vacation.

WHEREAS, pursuant to *N.J.S.A. 40:67-1(b)*, the Township Committee must, by Ordinance, preserve the right of public utilities to maintain, repair and replace their existing utility facilities, including cable television facilities, in, adjacent to, over, or under the property or right-of-way to be vacated;

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Lakewood, County of Ocean, State of New Jersey, as follows:

SECTION 1. All public easements, right and interests in the portion of Rochelle Avenue as described in the attached Exhibit A are hereby vacated, released and extinguished except for all rights and privileges now possessed by public utilities, as defined in *N.J.S.A. 48:2-13*, and by any Cable Television Company, as defined in the "Cable Television Act," *N.J.S.A. 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 subject to the conditions described herein; all conditions, unless otherwise noted, shall be satisfied prior to said vacation being effective.

SECTION 2. The Township Clerk shall publish, this ordinance, after being introduced and having passed a first reading, at least once not less than ten (10) days instead of one (1) week prior to the time fixed for further consideration for final passage, pursuant to *N.J.S.A. 40:49-6*.

SECTION 3. The Township Clerk shall, at least one (1) week prior to the time fixed for final passage of such ordinance, mail a copy thereof, together with a notice of the introduction thereof, and the time and place when and where the ordinance will be further considered for final passage, to every person whose lands may be affected by the ordinance or any assessment which may be made in pursuance thereof, pursuant to *N.J.S.A. 40:49-6*.

SECTION 4. The Township Clerk shall within sixty (60) days after such ordinance becomes effective file a certified copy of the ordinance vacating the street with the office of the County Clerk in a special book set aside for dedications and vacations, pursuant to *N.J.S.A. 40:67-21*.

SECTION 5. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 6. If any section, subsection, paragraph, sentence or any part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance not directly involved in the controversy in which such judgment shall have been rendered.

SECTION 7. This Ordinance shall take effect upon final passage and publication in accordance with law.

Introduced: August 7, 2025

Adoption:

CERTIFICATION

I, Lauren Kirkman, Township Clerk of the Township of Lakewood, do hereby certify the foregoing to be a true and exact copy of the ordinance which was adopted by the Township Committee of the Township of Lakewood at a meeting held on **August 7, 2025.**

Lauren Kirkman, RMC, CMR
Township Clerk