

**ORDINANCE 2023-5**

**ORDINANCE OF THE BOROUGH OF CHESILHURST  
RELEASING, EXTINGUISHING, AND VACATING ANY AND ALL PUBLIC RIGHTS  
TO CERTAIN PAPER STREETS**

**WHEREAS**, N.J.S.A. 40:67-1b. and N.J.S.A. 40:67-19 empowers the governing body of a municipality to make, amend, repeal and enforce ordinances to vacate any public street, including the vacation of any portion of any public street, and 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 or improved;

**WHEREAS**, there exists in the Borough of Chesilhurst portions of unimproved paper streets, which are collectively bounded, in-whole or in-part, by Garfield Avenue, Oak Avenue, and/or Fourth Avenue, and collectively located between Block 506, Lot 5, Block 507, Lot 1, Block 508, Lot 2, and Block 508, Lot 9, as shown on the Official Tax Map of the Borough of Chesilhurst and as depicted on Exhibit A attached hereto, that serve no public purpose, requires unwarranted Borough maintenance costs, and need to be vacated (collectively, the “Vacated Areas”);

**WHEREAS**, the entirety of the Vacated Areas, are neither open to the public for the purposes of vehicular traffic nor publicly maintained as a street; therefore, this vacation ordinance is not subject to review by the Commissioner of the New Jersey Department of Transportation with regard to the traffic regulations thereon pursuant to N.J.S.A. 39:4-8;

**WHEREAS**, on May 5, 2022, pursuant to Resolution No. 2022-107, the Borough authorized the sale of the Vacated Areas via the procedures set forth under N.J.S.A. 40A:12-1, et seq.;

**WHEREAS**, subsequent to the adoption of Resolution No. 2022-107, the Borough Solicitor advised the Borough governing body that the Vacated Areas are not eligible for sale through the procedures set forth under N.J.S.A. 40A:12-1, et seq.;

**WHEREAS**, the Borough Solicitor and Borough Tax Assessor have recommended that, in the event the Borough desires to extinguish its rights to the Vacated Areas, it may do so in accordance with N.J.S.A. 40:67-1b. and N.J.S.A. 40:67-19;

**WHEREAS**, the Borough has determined that the Vacated Areas are not needed by the general public as a public thoroughfare and are subject to higher and better uses than for public purposes, and the best interest of the Borough and the general public will best be served by abandoning, vacating, releasing, and extinguishing any and all public rights which the Borough may have in and to the below described portion of the Vacated Areas;

**WHEREAS**, upon being vacated by the Borough, the public rights-of-way and areas contained within the Vacated Areas shall revert and be duly conveyed to the respective property owner(s) of the adjoining properties, with the respective adjoining Block(s) and Lot(s) acquiring a share of the vacated area, in the manner depicted in the attached Exhibit A and in accordance with New Jersey law; and

**WHEREAS**, the Borough Council finds it to be in the best interests of the Borough and the general public to vacate the public rights-of-way to the Vacated Areas, with the Borough’s interests reverting to the aforementioned property owners.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED** by the Borough Council of the Borough of Chesilhurst, County of Camden, and State of New Jersey, as follows:

1. Subject to the conditions set forth herein, the rights of the public in and to the Vacated Areas, as described herein and depicted in the attached Exhibit A, are hereby released, extinguished, and vacated.

2. By operation of New Jersey law, the Vacated Areas, which are hereby vacated, shall be conveyed via a Quitclaim Deed to the owner(s) of, and shall merge, consolidate with, and become a part of the adjacent properties identified as Block 506, Lot 5, Block 507, Lot 1, Block 508, Lot 2, and Block 508, Lot 9, in the manner depicted in the attached Exhibit A and in accordance with New Jersey law;
3. Subject to the conditions set forth herein, the rights of the public in and to the Vacated Areas, as described herein, are hereby released, extinguished, and vacated.
4. Pursuant to N.J.S.A. 40:67-1b all public easements, rights, and interests to the Vacated Areas, as described herein and set forth in the attached Exhibit A, are hereby vacated, released, and extinguished.
5. Pursuant to N.J.S.A. 40:49-6, the Borough Clerk shall publish this ordinance, after being introduced and having passed a first reading, at least once and not less than ten (10) days prior to the time fixed for further consideration and final passage.
6. Pursuant N.J.S.A. 40:49-6, the Borough Clerk shall, at least one (1) week prior to the time fixed for final passage of this ordinance, mail a copy of this Ordinance, together with a notice of its introduction and the time and place when and where the Ordinance will be further considered for final passage, to the owners of all real property, as shown on the Borough Tax Map and the attached Exhibit A, whose lands may be affected by the passage of this Ordinance.
7. Pursuant to N.J.S.A. 40:67-21, within 60 days after this ordinance becomes effective, the Borough Clerk shall file a copy of this ordinance, certified under the seal of the Borough of Chesilhurst, to be a true copy of such ordinance, together with a copy of proof of publication, in the office where conveyances of lands are recorded in Camden County and such certified copy shall be recorded in a book with proper index to be provided for the purpose and entitled "Vacations."
8. Upon final passage, this Ordinance shall supersede Resolution No. 2022-107 and Resolution No. 2022-107 shall be considered null and void.
9. This Ordinance shall take effect upon final passage, adoption, and publication according to law, and the recording of this Ordinance with the Camden County Clerk's Office.
10. If any article, section, subsection, paragraph, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

This Ordinance shall take effect immediately upon final passage, approval, and publication, as provided by law.

**Adopted:**

**BOROUGH OF CHESILHURST**

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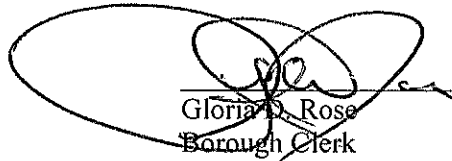
Hon. Jamila Odom-Garnett, MAYOR

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Gloria Rose, BOROUGH CLERK

**NOTICE IS HEREBY GIVEN** that the foregoing ordinance was introduced and passed on first reading a regular meeting of the Borough Council of the Borough of Chesilhurst, 201 Grant Avenue, Chesilhurst, in the County of Camden, State of New Jersey, held on the 6th day of April 2023 and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 4th day of May 2023, at 7:00 p.m. or as soon thereafter as this matter can be reached, at the meeting room of the Borough Hall. All persons interested shall be given an opportunity to be heard concerning this ordinance.

Prior to second reading, a copy of this Ordinance shall be posted in the Borough Hall and copies shall be made available at the Borough Clerk's office at Borough Hall to members of the general public who may request such copies.

  
Gloria D. Rose  
Borough Clerk

Dated: April 6, 2023

First Reading: April 6, 2023

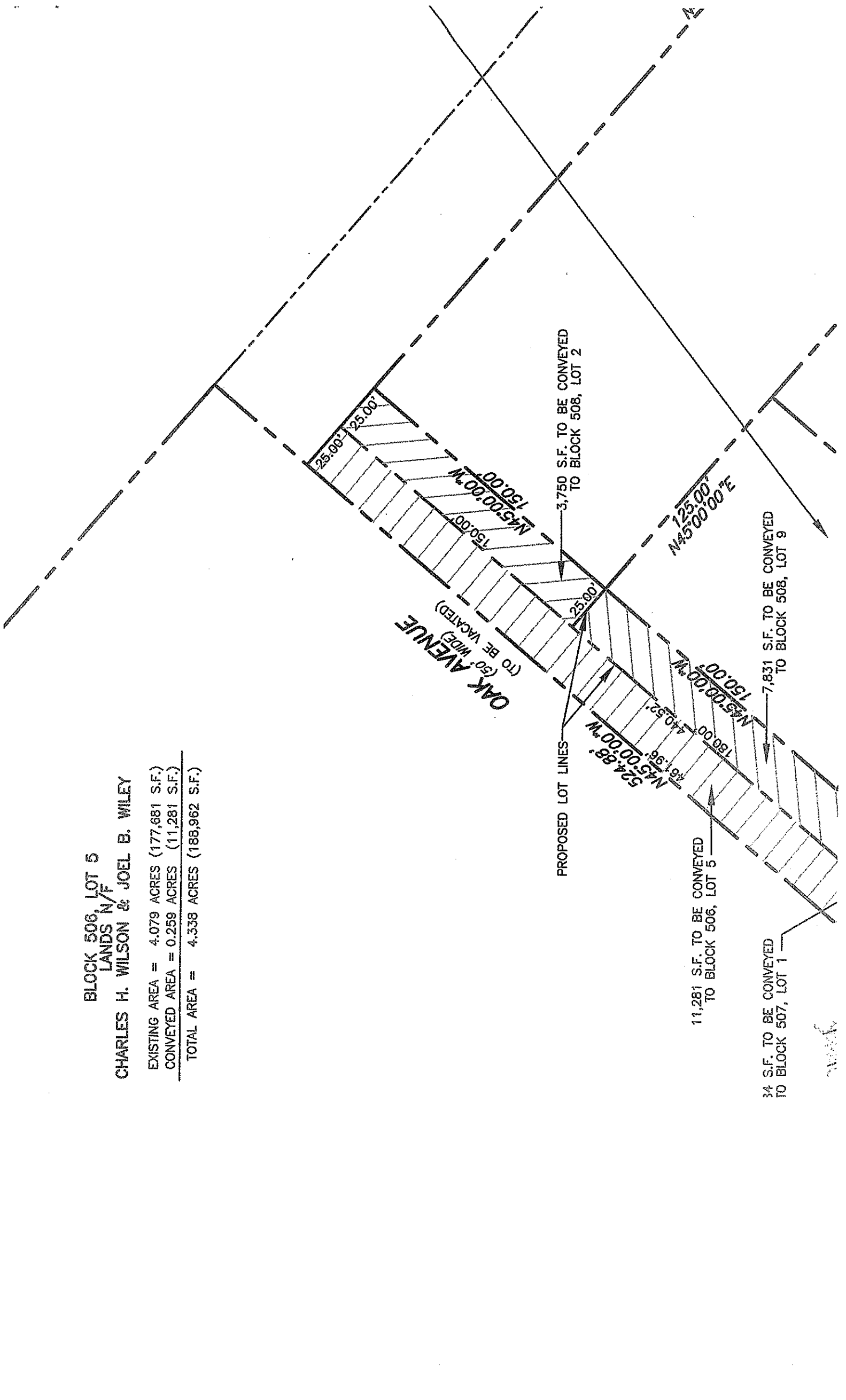
Second Reading: \_\_\_\_\_

Adopted: \_\_\_\_\_

Attest: \_\_\_\_\_  
Borough Clerk

**BLOCK 506, LOT 5  
LANDS N/F  
CHARLES H. WILSON & JOEL B. WILEY**

EXISTING AREA = 4.079 ACRES (177,681 S.F.)  
 CONVEYED AREA = 0.259 ACRES (11,281 S.F.)  
 TOTAL AREA = 4.338 ACRES (188,962 S.F.)



PROPOSED LOT LINES

11,281 S.F. TO BE CONVEYED TO BLOCK 506, LOT 5

34 S.F. TO BE CONVEYED TO BLOCK 507, LOT 1

7,831 S.F. TO BE CONVEYED TO BLOCK 508, LOT 9

3,750 S.F. TO BE CONVEYED TO BLOCK 508, LOT 2

**OAK AVENUE**  
(TO BE VACATED)

WILEY