



## Legislation Details (With Text)

**File #:** 17-2114      **Version:** 1      **Name:** Vacating a portion of S. 11th Street  
**Type:** Ordinance      **Status:** Adopted  
**File created:** 12/5/2017      **In control:** Engineering  
**On agenda:** 1/17/2018      **Final action:** 1/30/2018  
**Title:** AN ORDINANCE PROVIDING FOR THE VACATION OF A PORTION OF SOUTH ELEVENTH STREET AS LAID OUT 60 FEET IN WIDTH AND BEGINNING AT THE SOUTHERLY LINE OF GOULD AVENUE A DISTANCE OF 429 FEET SOUTHERLY MORE OR LESS TO ITS TERMINUS. (WEST WARD)  
Deferred 6PSF-a 012418  
**Sponsors:** John Sharpe James, Eddie Osborne

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
1/30/2018	1	Municipal Council	Close on Public Hearing and Adopt	Pass
1/24/2018	1	Municipal Council	Defer to a Special Meeting	Pass
1/17/2018	1	Municipal Council	Advance and Adopt on First Reading as 6F-	Pass

**AN ORDINANCE PROVIDING FOR THE VACATION OF A PORTION OF SOUTH ELEVENTH STREET AS LAID OUT 60 FEET IN WIDTH AND BEGINNING AT THE SOUTHERLY LINE OF GOULD AVENUE A DISTANCE OF 429 FEET SOUTHERLY MORE OR LESS TO ITS TERMINUS. (WEST WARD)**  
**Deferred 6PSF-a 012418**

**WHEREAS**, the City of Newark (the "City") does possess Rights-of Way through all public streets located within the City; and

**WHEREAS**, the City is authorized pursuant to N.J.S.A. 40:67-1 et seq. to establish, change the grade of or vacate any public street, highway, lane or alley, or any part thereof at the discretion of the City; and

**WHEREAS**, in November 2015, the Newark Central Planning Board approved the construction of a new Essex County Vocational Technical High School in an area bounded by West Market Street, Gould Avenue, South Eleventh Street and 9<sup>th</sup> Avenue; and

**WHEREAS**, in June 2017, the Newark Central Planning Board approved an amended site plan for the new Essex County Vocational Technical High School which included a new parking area for passenger vehicles and buses at South Eleventh Street; and

**WHEREAS**, in July 2017, the County of Essex, Department of Public Works, filed a request with the Department of Engineering to vacate a portion of South Eleventh Street; and

**WHEREAS**, a vacation of a portion of South Eleventh Street is necessary to accommodate the new parking area; and

**WHEREAS**, the Department of Public Safety and the Department of Engineering have determined that the vacation of a portion of South Eleventh Street is necessary and in the best interest of the City, because the Vocational Technical School is anticipated to yield positive benefits to the City, including providing students in Newark and Essex County, in general, with specialized education geared towards producing highly skilled members of the future workforce in the City and new employment opportunities.

**NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:**

Section 1. All that portion, part and parcel of South Eleventh Street, as laid out 60 feet in width on the Map of the Commissioners, to lay out streets, avenues and squares, beginning at the southerly line of Gould Avenue a distance of 429 feet southerly more or less to its terminus, shall be vacated as a public street or public right-of-way reserving and excepting any and all rights and privileges possessed by the City of Newark and, for so long as they continue to exist at this location, the rights of any public utilities as defined in R.S. 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.), the right of entry and easement for the entire length and total width of said portion of the public street or public right of way to be vacated for the purpose of accomplishing the removal, relocation, relaying, rebuilding, reconstructing, or maintaining their respective water, sewer, electric, gas, telephone and cable utilities and appurtenances, now laid or to be laid, within the above described public street to be vacated. Any and all such easement rights and privileges shall continue until such time when the easement reservation is no longer needed due to the proposed relocation, removal and/or abandonment of any and all existing utilities and said easement rights and privileges are terminated and extinguished. The erection, construction, or placing of any building, vault, or structure upon or within the above described easement reservation prior to said termination and release of said easement rights and privileges is prohibited and contrary to this ordinance.

All is as shown on a map prepared under the direction of the Municipal Council, which map is hereto attached and made a part hereof, and a copy of which map, known and designated as Map A-1621, 1887V, dated October 12, 2017, is on file in the office of the Director of the Department of Engineering.

Section 2. The street vacation is subject to Essex County Vocational Technical High School providing keys and remote/access codes for all gates of entry to the vacated portion of South Eleventh Street to the Newark Department of Public Safety.

Section 3. Title to the vacated South Eleventh Street shall revert back to Essex County Vocational Technical Schools District.

Section 4. Any and all fees associated with the consideration and/or completions of the public Right-of-Way vacation request are to be paid by the Essex County Vocational Technical Schools District. These expenses include, but are not limited to, engineering fees, attorney fees, survey fees, publication and mailing expenses, recording fees and tax map revision fees.

Section 5. All publication and notice requirements of this ordinance are subject to N.J.S.A. 40:49-6.

Section 6. This Ordinance is adopted under and by virtue of the provisions of N.J.S.A. 40:67-1, et seq. and N.J.S.A. 40A:12A-10.

Section 7. This Ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.

### **STATEMENT**

This Ordinance vacates a portion of South Eleventh Street beginning at the southerly line of Gould Avenue a distance of 429 feet southerly more or less to its terminus. (West Ward)