



## Legislation Text

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File #: 12-1937, Version: 1

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**AN ORDINANCE PROVIDING FOR THE VACATION OF A 16-FOOT WIDE PORTION OF BELLAIR PLACE, AS LAID OUT 60 FEET IN WIDTH ON THE MAP OF THE COMMISSIONERS TO LAY OUT STREETS, AVENUES AND SQUARES EXTENDING FROM THE NORTHERLY LINE OF VERONA AVENUE A DISTANCE 449.31 FEET NORTHERLY TO ITS TERMINUS.**

**North Ward**

**Invitation: Engineering Director, December 4, 2012**

**No Action Taken, November 20, 2012**

**WHEREAS**, the Department of Engineering has determined that the street vacation of Bellair Place is necessary and in the public interest because of a planned development of the Forest Hill Enchanted Victorian Village.

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

**Section 1.** A 16-foot wide portion of Bellair Place, extending from the existing westerly right-of-way line 16 feet easterly and extending from the northerly line of Verona Avenue a distance 449.31 feet more or less to its terminus on the Map of the Commissioners to lay out streets, avenues and squares, shall be vacated as a public street or right-of-way, reserving and excepting all rights and privileges possessed by the City of Newark and, for so long as they continue to exist at this location, by any public utilities as defined in R.S.48:2-13 and by any cable television company as defined in the Cable Television Act P.L.1972 c. 186, the right of entry and easement for the entire length and total width of the area to be vacated for the purpose of relaying, rebuilding, reconstructing or maintaining their respective water, sewer, gas, electric, telephone and cable utilities and appurtenances thereto, now laid or to be laid, within the area to be vacated. The easement rights shall continue until such time that the easement is no longer needed and is extinguished. The erection, construction, or placing of any building, vault, or structure upon or within the area to be vacated which will interfere with the laying, relaying, rebuilding, reconstruction or maintenance of any existing or proposed utilities is prohibited and contrary to this ordinance. All is as shown on a map prepared under the direction of this Council, which map is hereto attached and made a part hereof, and a copy of which map, known and designated as Map No. A-1613, 1879V, dated 02/09/2011, is on file in the Office of the Director, Department of Engineering.

**Section 2.** Title to the vacated portion of Bellair Place shall revert back to and become the property of Block 859, Lot 48.

**Section 3.** Any and all fees associated with the consideration and/or completion of the street vacation request are to be paid by the property owner(s) who makes this request. These expenses include but are not limited to engineering fees, attorney fees, survey fees, publication and mailing expenses and recording fees.

**Section 4.** Any and all utilities in the vacated portion of Bellair Place shall be abandoned at the sole cost and expense of the property owner of Block 859, Lot 48.

**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(b).

**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 16-foot wide portion of Bellair Place extending from Verona Avenue to its terminus.