

ORDINANCE NO. 2023 - 12

AN ORDINANCE TO RELEASE, VACATE AND
EXTINGUISH ANY AND ALL PUBLIC RIGHTS IN
AND TO THE UNIMPROVED EXTENSION OF
LIBERTY AVENUE RIGHT-OF-WAY.

WHEREAS, by correspondence dated September 3, 2022, (see Schedule “A” attached) the owners of 1400 Hadsell Avenue, Block 1801, Lot 90 on the City of Vineland Tax Map, Volodymyr and Lyudmyla Kovalyuk, (“Petitioners”) have petitioned the City to take such measures as would allow Petitioners to secure ownership of an unimproved 25 ft. “landlocked” public right-of-way (“subject R.O.W.”) that serves as an extension of Liberty Avenue between Block 1801, Lot 90 and Block 1801, Lot 89 (see portion of City Tax Map, Schedule “B” attached) said Petitioners noting that they, at personal expense, have cared for and maintained the subject Liberty Avenue R.O.W. for fifteen (15) years; and

WHEREAS, a departmental survey was conducted as to whether the property is not needed by “this Department /the City for future use” or the property should be “retained by the City,” with responses concluding that the subject R.O.W. property is not needed for public use; and

WHEREAS, the City Tax Assessor has noted that the subject R.O.W. property is not a lot with an assessed value given its status as an extension of Liberty Avenue, there is no deed or other record of ownership relating to the R.O.W. property and that, other than Petitioners, the only other contiguous property owners are Francisco A. and Alexandra P. Saltar of 1422 Hadsell Avenue, Vineland, New Jersey, Block 1801, Lot 89; and

WHEREAS, the City Supervising Planner has observed that, although ordinarily the vacation of a right-of-way may result in the right-of-way being divided to the centerline between abutting property owners, the whole of the subject R.O.W. property was taken off the contiguous property at Block 1801, Lot 90 (what is now Petitioners’ property) in connection with what is known as the Naness-Duffek subdivision approval granted by the Vineland Planning Board on May 2, 1994, thereby allowing for the R.O.W. property, if approved for vacation, to be vacated in its entirety to Petitioner’s property at Block 1801, Lot 90; provided, however, that in light of the fact that the R.O.W. extension of Liberty Avenue was a component of the City’s Master Plan of Streets, that Master Plan of Streets would need to be amended upon a formal request submitted to the City Planning Board, upon payment of applicable fee and giving of Notice to affected properties by certified mail;

NOW THEREFORE BE IT ORDAINED BY COUNCIL OF THE CITY OF VINELAND as follows:

1. The statements of the preamble, hereinabove, are incorporated herein as though fully set forth herein;
2. The City hereby approves vacation of the subject R.O.W. property, as shown on the portion of the City Tax Map, Schedule “B” attached, with all public rights therein extinguished; subject to and conditioned upon, however, Petitioners submitting, with payment of an applicable fee, a formal request to the City Planning Board for amendment of the Master Plan of Streets, reflecting removal of the vacated subject R.O.W. as a component of the Master Plan of Streets, same hereby being a condition of approval of vacating the subject R.O.W., without which such vacation cannot become effective; and further provided, however, that all rights and privileges, if any, 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, P.L. 1972, c. 186, to maintain, repair and replace their existing facilities in, adjacent to, over or under the street, highway, lane, alley, square, place or park, or any part thereof, to be vacated, are expressly reserved and excepted from the vacation set forth above;

CITY OF VINELAND, NJ

3. Petitioners, in addition to payment of such fees and costs associated with application for and approval and processing of an amendment of the City’s Master Plan of Streets, shall bear any and all such other costs associated with the vacation of the subject R.O.W., including the cost of publication of this Ordinance and any survey for and preparation of a metes and bounds legal description, and shall prepare and cause to be recorded an all-inclusive deed incorporating/combining Petitioners property at Block 1801, Lot 90 with the property contained within the subject vacated R.O.W., under such conditions as may be directed by the City Planning Board.

This Ordinance shall take effect upon adoption and publication according to Law.

Passed first reading:

Passed final reading:

President of Council

Approved by the Mayor:

Mayor

ATTEST:

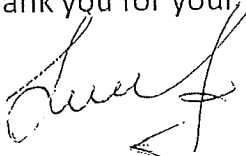
City Clerk

September 3, 2022

Dear City of Vineland,

We are asking for your permission to take over this property between 1400 & 1422 Hadsell Avenue. For the past 15 years, we have been maintaining this piece of property. I have been cleaning it and spending a lot of money in order to keep it in good condition. The property is a City of Vineland right away that is land locked and I am asking if we can take over ownership of the property? We will like to add this lot to our lot @ 1400 Hadsell Avenue property. We are willing to do what we need, in order to make this matter work. Please help us in resolving this matter and thank you for your time assistance me in this matter.

Thank you,



Volodymyr & Lyudmyla Kovalyuk
1400 Hadsell Avenue
Vineland, NJ 08360
609-501-1063
Block 1801
Lot 90

CC: Tony Saltar
1422 Hadsell Ave
Vineland NJ 08360
Block 1801
Lot 89

