

ORDINANCE NO. 2023 - 13

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

WHEREAS by inquiry on November 2, 2022, Mark McCleary ("Petitioner"), owner of 416 Ithaca Street, Block 1701, Lot 12 on the City of Vineland Tax Map, requested that the City take such measures as would allow Petitioner to secure ownership of an unimproved approximately 60' x 100' right-of-way ("subject R.O.W."), which serves as an extension of E. Cornell Street, same being located between Block 1701, Lot 12 and Block 1701, Lot 11, (see portion of City Tax Map, Schedule "A" attached) it being Petitioner's stated purpose to construct a residential garage in connection with his use of his residential property at Lot 12; and

WHEREAS, a departmental survey was conducted to determine whether the subject R.O.W. is not needed for future Departmental or City Use or otherwise should be retained by the City, with responses establishing 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 E. Cornell Street, there is no deed or other record of ownership relating to the R.O.W. property and that, other than Petitioner, the only other contiguous property owners are Noemi Cordero and Alexis Cardona of 464 Ithaca Street, Vineland, New Jersey, Block 1701, Lot 11; 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 1701, Lot 12 (what is now Petitioner's property) in connection with what is known as the Cornell Heights subdivision approval granted by the City Planning Board on December 10, 1969, thereby allowing for the R.O.W. property, if approved for vacation, to be vacated in its entirety to Petitioner's property at Block 1701, Lot 12; provided, however, that in light of the fact that the R.O.W. extension of Cornell Street 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 "A" 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;

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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 1701, Lot 12 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

