

ORDINANCE 2026:08

Notice is hereby given that the foregoing Ordinance was introduced at a meeting of the Governing Body of the Borough of Somerdale held on June 10, 2026 by title and will be considered for Final Adoption after Second Reading and Public Hearing on July 8, 2026 at 7:00 p.m. at the Somerdale Borough Hall, 105 Kennedy Boulevard, Somerdale, NJ. A copy of the proposed ordinance can be obtained at the Office of the Borough Clerk, Monday to Thursday, from 9:00 am until 5:00 pm without cost or by emailing the Borough Clerk at mmiller@somerdale-nj.com.

ORDINANCE OF THE BOROUGH OF SOMERDALE AUTHORIZING THE VACATION OF A PORTION OF LAKEWOOD AVENUE

WHEREAS, the Mayor and Borough Council of the Borough of Somerdale have determined that a portion of Lakewood Avenue, as shown on the official Tax Map of Somerdale Borough is not needed for any public purpose, and that the public interest can best be served by abandoning, vacating, releasing and extinguishing certain public rights which the Borough may have in a part of Lakewood Avenue, which part is located between Linden Avenue and a previously vacated portion of Ashland Avenue (which shall be referred to hereinafter as “the Subject Area”), so that the underlying lands may be combined with, and become and form parts of adjacent properties; and

WHEREAS, N.J.S.A. 40:67-19 provides that a municipality may by Ordinance vacate any public street, highway, land or alley or any part thereof when there is no longer any need for the use of said area by the public; and

WHEREAS, the Mayor and Borough Council believe that the vacation of all public right, title and interest in and to the Subject Area, subject to the terms and condition set forth herein, is in the best interests of the Borough, as well as the adjacent property owners; and

WHEREAS, it is the intention of the Borough that once the Subject Area has been vacated, then ownership of the underlying lands shall revert to the adjoining property owners by operation of law, which adjoining properties are indicated on the “Street Vacation Exhibits” which are attached hereto, and made a part hereof, as Exhibits “A-1” and “A-2”. A metes-and-bounds legal description of the Subject Area is attached hereto as Exhibit “A-3”.

NOW, THEREFORE, be it Ordained by the Mayor and Borough Council of the Borough of Somerdale, County of Camden, State of New Jersey, as follows:

Section 1. The public rights and interest of and in part of Lakewood Avenue, in the Borough of Somerdale, as more particularly depicted as follows, shall be vacated, abandoned, and released:

SEE ATTACHED EXHIBITS “A-1”, “A-2”, AND “A-3” WHICH ARE INCORPORATED
BY REFERENCE HEREIN

Section 2. The public rights, interest, and obligations of the aforementioned property, more particularly depicted or described in Section 1 above, are hereby vacated, abandoned, and released, and the said public rights are released to the adjoining property owners of the aforesaid avenue, subject to the conditions set forth hereafter.

Section 3. The Borough hereby expressly reserves, and excepts from vacation, all rights and privileges possessed by any cable television company, [as defined in the “Cable Television Act,” P.L. 1972, c.186 (N.J.S.A. 48-5A-1 et. seq.)], and all public utilities, as defined in N.J.S.A. 48:2-13 [including, but not limited to, any rights and privileges possessed by the Camden County Municipal Utilities Authority associated with a 48" diameter Sanitary Sewer main, and all appurtenances, [as shown on a record drawing entitled “Cooper River Interceptor South Branch No.2 Plan & Profile, Sheet 7 of 37” (see attached Exhibit “B”), and as identified in

the metes-and-bounds description of that Camden County Municipal Utilities Authority Sanitary Sewer Easement area, attached hereto as Exhibit “C”] to maintain, repair, and replace their existing facilities in, adjacent to, over or under Lakewood Avenue, or any part thereof, that is being vacated by this Ordinance, together with the right of ingress and egress over and upon the same, in order to effectuate such purposes. The Borough further expressly reserves and excepts from the vacation any present or future rights and privileges it possesses for installing, maintaining, repairing and replacing utility or other necessary easements within the Subject Area.

Section 4. Furthermore, the rights and privileges of the Borough of Somerdale, and any and all fire companies authorized by the Borough of Somerdale to perform fire protection services in the municipality, to install, maintain, repair, and replace any existing fire hydrants; and the right and privilege to make use of said fire hydrants, and to have access to and ingress to and egress from said fire hydrants, are hereby expressly reserved and excepted from this vacation Ordinance within the Subject Area.

Section 5. The reservation of rights in Sections 3 and 4 of this Ordinance applies to Lot 1 in Block 27, Lot 1 in Block 28, Lot 1 in Block 29, and Lot 1 in Block 30. **The adjoining property owners shall amend their Deeds to include the vacated area, and to acknowledge the above Section 3 and Section 4 Reservations of Rights in that vacated portion of Lakewood Avenue.**

Section 6. Following the introduction of this Ordinance, the Borough Clerk shall provide notice of its pending status as mandated by N.J.S.A. 40:49-6, and at least one week prior to the time fixed for further consideration and final passage of the Ordinance, the Borough Clerk shall mail a copy of the Ordinance, together with a notice of the introduction thereof, and

information as to the time and place of when and where the Ordinance will be further considered for final passage, to every person whose lands may be affected by this Ordinance, by certified mail return receipt requested and regular mail, to their last known post office address(es).

Section 7. Pursuant to N.J.S.A. 40:49-6, this Ordinance, after being introduced and having passed a first reading, shall be published at least once not less than ten days, instead of one week, prior to the time fixed for further consideration for final passage.

Section 8. Following the adoption of this Ordinance, the Borough Clerk shall, within sixty (60) days of the effective date thereof, file a copy of this Ordinance, along with the attached Exhibits “A-1”, “A-2”, “A-3”, “B” and “C”, certified by the Clerk under seal of the Borough, to be a true and exact copy of the Ordinance, together with a copy of the proof of publication thereof, in the Office of the Camden County Clerk for recording in the County’s Book of “Vacations”, pursuant to N.J.S.A. 40:67-21.

Section 9. Once the Subject Area has been vacated, then the Borough’s interests in and to the said Area shall be released.

Section 10. The Borough Solicitor and the Engineer are hereby authorized and directed to undertake all actions and to prepare all documents that are necessary in order to effectuate the intentions of the within Ordinance.

Section 11. The Mayor is authorized to execute, and the Municipal Clerk is authorized to attest any and all documents, and to perform all actions, which may be necessary in order to effectuate the intentions of this Ordinance.

Section 12. If any section, part of any section, or clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this Ordinance. The Somerdale Borough Council declares that it would have passed

the Ordinance, and each section and subsection thereof, irrespective of the fact that any one of more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

Section 13. The Ordinance shall take effect immediately upon passage and publication according to law.

Section 14. The property owner at Block 29, Lot 1 on the Tax Map of the Borough, namely MHSLJ LLC, and its principal Mr. Michael Janel, shall pay all reasonable Borough costs for the vacation of said land, including legal fees, preparation of the legal description, review of all documents, and recording of the same as required with the County of Camden.

INTRODUCED: June 10, 2026

ADOPTED:

George Badey, Mayor

Michele D. Miller, RMC, Borough Clerk