BOROUGH OF DEAL

COUNTY OF MONMOUTH, NEW JERSEY

ORDINANCE NO. 2026-16

AN ORDINANCE OF THE BOROUGH OF DEAL, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, VACATING AND EXTINGUISHING THE PUBLIC RIGHT, TITLE AND INTEREST IN AND TO A PORTION OF SMITH STREET (ALSO KNOWN AS "JACOB LANE"), ADJACENT TO BLOCK 1, LOT 1.01 AND BLOCK 2.01, LOT 1.01 ON THE OFFICIAL TAX MAP OF THE BOROUGH OF DEAL, PURSUANT TO N.J.S.A. 40:67-1 ET SEQ.

WHEREAS, Congregation Ohel Yaacob (the "Congregation") is the owner of certain real property located in the Borough of Deal, County of Monmouth, State of New Jersey, designated on the Borough of Deal Tax Map as Block 1, Lot 1.01 and Block 2.01, Lot 1.01 (collectively, the "Property"); and

WHEREAS, by letter dated September 1, 2026, the Congregation requested that the Mayor and Board of Commissioners of the Borough of Deal (the "Governing Body") consider the vacation of that portion of Smith Street, also known as Jacob Lane, situated between and adjacent to the two portions of the Property, as depicted on a survey prepared by Robert H. Morris, P.L.S. of Nelson Engineering Associates, Inc. for Congregation Ohel Yaacob (File No. 251106), a copy of which is annexed hereto as Schedule A and made a part hereof (the "Subject Area"); and

WHEREAS, the Subject Area is presently a paved roadway situated between the two portions of the Property and is used solely in connection with the Congregation's use and occupancy of the Property; and

WHEREAS, the Governing Body has determined that, based upon the existing conditions and configuration of the Subject Area and the surrounding properties, the Subject Area is no longer required or necessary for public street, roadway, or travel purposes; and

WHEREAS, the Governing Body has further determined that the vacation of the public right, title and interest in and to the Subject Area, subject to the reservation of easements, will not adversely affect public access, traffic circulation, emergency access, neighboring properties, or the public interest generally; and

WHEREAS, the passing of this Ordinance is subject to the review and recommendations of the Borough Engineer, Borough Attorney, Department of Public Works and the Fire Department Chief; and

WHEREAS, N.J.S.A. 40:67-1(b) authorizes the governing body of a municipality to establish, change the grade of, or vacate, by ordinance, any public street, highway, lane, alley, square, place or park, or portion thereof, within the municipality whenever it appears to be in the public interest to do so, and to reserve, in any such vacating ordinance, such rights and easements for utility, cable television, and related purposes as the governing body determines to be necessary or appropriate; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Board of Commissioners of the Borough of Deal, County of Monmouth, State of New Jersey, as follows:

SECTION 1. Recitals. The foregoing recitals are incorporated herein as though fully set forth at length.

SECTION 2. Vacation of Public Right, Title and Interest. Pursuant to the authority granted by N.J.S.A. 40:67-1 et seq., the Borough of Deal hereby vacates, releases and extinguishes any and all public right, title, interest and easement of the Borough of Deal and of the public generally in and to that portion of Smith Street, also known as Jacob Lane, more particularly described and/or depicted on Schedule A attached hereto and made a part hereof (the "Subject Area"), including, without limitation, any right of the public to use the Subject Area as a street, highway, roadway or public thoroughfare.

SECTION 3. Reservation of Easements. Notwithstanding the vacation set forth in Section 2 above, and pursuant to N.J.S.A. 40:67-1(b), the Borough of Deal hereby reserves and excepts unto itself, and unto any public utility, cable television, or communications company lawfully using the Subject Area, perpetual easements in, on, under, over and through the Subject Area for the following purposes:

(a) the continued maintenance, repair, replacement, relocation and operation of any existing water, sanitary sewer, storm sewer, drainage, gas, electric, telephone, cable, or other public utility lines, pipes, mains, conduits, poles or related facilities now located within the Subject Area;

(b) drainage of surface waters, to the extent any existing drainage facilities or natural drainage patterns within the Subject Area serve the Borough's storm water system or neighboring properties; and

(c) reasonable rights of access, ingress and egress for the Borough, its agents and contractors, and for any franchised utility, as necessary to exercise the rights reserved in this Section 3.

Nothing in this Ordinance shall be deemed to vacate, release or extinguish any easement reserved pursuant to this Section 3, and such easements shall survive the vacation of the public right, title and interest described in Section 2.

SECTION 4. Effect of Vacation; No Warranty of Title by Borough. Upon the effective date of this Ordinance, the Subject Area shall be discharged of all public right, title, easement and interest therein, except as reserved in Section 3 above, and title to the lands comprising the Subject Area shall vest in accordance with applicable New Jersey law in the owner or owners of the lands abutting the Subject Area, in accordance with their respective ownership interests. The Borough of Deal makes no representation or warranty, express or implied, as to the nature or extent of its interest, if any, in the Subject Area prior to this vacation, and nothing in this Ordinance shall be construed as a conveyance of any property interest by the Borough.

SECTION 5. Filing and Recording. Following final adoption and publication of this Ordinance as required by law, the Borough Clerk shall cause a certified copy of this Ordinance, together with a copy of the survey or map annexed as Schedule A, to be filed in the office wherein conveyances of land are recorded in Monmouth County, pursuant to N.J.S.A. 40:67-2, and shall further cause a copy of this Ordinance to be provided to the Borough Tax Assessor and Borough Engineer for purposes of updating the Borough Tax Map to reflect the vacation described herein.

SECTION 6. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this Ordinance.

SECTION 7. Repealer. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 8. Effective Date. This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

CERTIFICATION

Introduced and passed on first reading this 8th_ day of _September_, 2026.

Notice of introduction and hearing published on the Borough of Deal website and in the newspaper_ on _Sept.__16th__, 2026.

Adopted on second and final reading, after public hearing, this 2nd day of _October_, 2026

ATTEST: BOROUGH OF DEAL

By: _____

Acting Municipal Clerk, Carrie Sniffen Samuel Cohen, Mayor

SCHEDULE A

(Survey / Description of Subject Area to be Vacated)

[Attach copy of survey entitled survey for Congregation Ohel Yaacob, prepared by Robert H. Morris, P.L.S., Nelson Engineering Associates, Inc., File No. 251106, showing the Subject Area highlighted along Smith Street between Block 1, Lot 1.01 and Block 2.01, Lot 1.01. Prior to introduction, the Borough Engineer or a licensed New Jersey land surveyor should prepare and insert a formal metes-and-bounds legal description of the Subject Area for incorporation into this Schedule A.]