

ORDINANCE NO. 31 - 2021

“AN ORDINANCE VACATING A PORTION OF A PUBLIC STREET AND BULKHEAD, ADJACENT TO BLOCK 47 LOT 7.03 (101 FOURTH AVE), IN THE BOROUGH OF AVON-BY-THE-SEA, COUNTY OF MONMOUTH, STATE OF NEW JERSEY.”

The Board of Commissioners of the Borough of Avon-By-The-Sea do ordain as follows:

That portion of a public street known as Riverside Avenue, in the Borough of Avon-By-The-Sea, as more particularly defined and described in the metes and bounds description attached as Exhibit A and incorporated herein and made a part hereof and the bulkhead on the perimeter of the subject property be vacated and conveyed to Richard Hrabchak and Susan K. Hrabchak as permitted by N.J.S.A. 40A:12-13 and subject to the following restrictions and covenants:

(a) The square footage of the Property (1,270.53 sq. ft.) shall not be included in the lot size of the Premises for the purpose of calculation of maximum impervious coverage in connection with development on the Premises;

(b) The Property boundary exterior to the Premises shall not be considered as extending the perimeter of the Premises for the purpose of calculating required setbacks in connection with development on the Premises;

(c) In order to maintain the "open space" appearance of the Property for the enjoyment of the public, development on the Property shall be limited to grass coverage. No structures, trees, bushes and/or hedges are permitted. The area must remain free of any obstacle or barrier, either natural or manmade, which would prevent or undermine access by emergency vehicles. No structure may be installed or erected, either temporarily or permanently, which would obstruct the view of the river.

(d) Grantee is responsible for the maintenance, repair, and replacement of the bulkhead on the perimeter of the subject property.

(e) Grantee or Borough shall have a perpetual right of way easement for emergency vehicle access. The right of way easement is to be reinforced to support the weight of emergency vehicles.

(f) Transferee/Property Owner is responsible to extend southward curbing and sidewalk from the current southern property line to the bulkhead. Said curbing and sidewalk shall not impede the emergency vehicle access nor the flow/runoff of rainwater from the subject property to the outfall drain located on Fourth Avenue. The installation of curbing and sidewalk is subject to review and approval by Borough Engineer.

Edward Bonanno, Mayor

I, Thea Kratochvil, Acting Municipal Clerk of the Municipality of Avon-By-The-Sea do hereby attest that the foregoing ordinance was introduced at a regular meeting of the Governing Body of Avon-By-The-Sea held on the 25th day of October, 2021 and adopted at a regular meeting of the Governing Body of Avon-By-The-Sea held on the 8th day of November, 2021.

EXHIBIT A
DESCRIPTION OF THE PROPERTY

Adjacent to Block 47 Lot 7.03 (101 Fourth Avenue)

All that certain tract, parcel and land lying and being situate in the Borough of Avon-by-the-Sea, County of Monmouth, State of New Jersey, being more particularly described as follows:

BEGINNING at a point formed by the intersection of the westerly line of Fourth Avenue with the northerly line of Riverside Avenue and extended from thence

Westwardly, North 81 degrees 26 minutes 32 seconds West, along the northerly line of Riverside Avenue 13.75 feet to an angle in the northerly line of said Riverside Avenue, thence continuing westwardly along the northerly line of said Riverside Avenue, North 89 degrees 31 minutes 4 seconds, 24.25 feet to the intersection of Block 47, lot numbers 7.01-7.02 with Block 47, lot number 7.03 on the Tax Map of the Borough of Avon-by-the-Sea with said northerly line of Riverside Avenue; thence

Southwardly, South 3 degrees 59 minutes 39 seconds West, 35.46 feet to and including the bulkhead along the Shark River; thence

Eastwardly, South 86 degrees 0 minutes 21 seconds East, along and including said bulkhead 9.61 feet to an angle in said bulkhead, thence continuing eastwardly, South 73 degrees 3 minutes 59 seconds East, 19.51 feet along and including said bulkhead to a point which is the intersection of said bulkhead with the westerly line of Fourth Avenue; thence

Northwardly, North 17 degrees 0 minutes 0 seconds East, 41.28 feet along the westerly line of Fourth Avenue to the place of beginning.

Said parcel being further described as that portion of Riverside Avenue and the adjacent Shark River bulkhead immediately south of Block 47, Lot 7.03 on the Tax Map of the Borough of Avon-by-the-Sea.