

ORDINANCE NO. 32-2021

“AN ORDINANCE VACATING A PORTION OF A PUBLIC STREET AND BULKHEAD, RIVERSIDE AVENUE AS SHOWN IN EXHIBIT A, 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 Harry Chowansky and Lisa Chowansky 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 (821.4 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 and shrubs, hedges and open air fences no greater than four (4) feet in height.

(d) Transferee/Property Owner is responsible for the maintenance, repair, and replacement of the bulkhead on the perimeter of the subject property.

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" (Metes & Bounds)

Charles Surmonte P.E. & L.S.

Professional Engineer and Land Surveyor
301 Main Street, Allenhurst, NJ 07711
Phone 732-660-0606 Fax 732-660-0404

Description of a portion of Riverside Avenue to be vacated, situated in the Borough of Avon-by-the-Sea, Monmouth County, New Jersey

Beginning at a point, said point being in the northerly line of Riverside Avenue, said point being distant the following from the point of intersection of the westerly line of Fourth Avenue (80' R.O.W.) with said northerly line of Riverside Avenue,

- a. along the northerly line of Riverside Avenue, North 81 degrees 26 minutes 32 seconds West, a distance of 13.75 feet to an angle point in same; thence,
 - b. still along the northerly line of Riverside Avenue, North 89 degrees 31 minutes 04 seconds West, a distance of 24.25 feet to an angle point at the southerly terminus of the common side line of Lots 7.01 & 7.03, Block 47; thence,
 - c. continuing along the northerly line of Riverside Avenue, North 88 degrees 54 minutes 31 seconds West, a distance of 65.00 feet to a point being the southerly terminus of the common side line of Lots 6.02 & 7.01, Block 47; thence proceeding,
1. Along the northerly line of Riverside Avenue, North 88 degrees 54 minutes 31 seconds West, a distance of 24.09 feet to a point in the westerly line of Riverside Avenue; thence,
 2. Along said westerly line of Riverside Avenue, South 00 degrees 48 minutes 17 seconds West, a distance of 31.00 feet to a point in the exterior (riverside) line of a bulkhead; thence,
 3. Along said exterior (riverside) bulkhead line, South 86 degrees 00 minutes 21 seconds East, a distance of 27.86 feet to a point, said point being in the common side line of Lots 6.02 & 7.01, Block 47, if extended southerly; thence,
 4. Along said line, North 05 degrees 45 minutes 31 seconds West, a distance of 32.63 feet to the point of beginning.

Containing 821.4 sq.ft.

Charles Surmonte P.E. & L.S.
N.J. License No. 35885

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