

ORDINANCE NO. 5, 2026

AN ORDINANCE TO VACATE THE FOLLOWING PUBLIC STREET SITUATED IN THE CITY OF LINWOOD, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY AND TO RELEASE THE PUBLIC RIGHTS THEREIN – A PORTION OF EDNA AVENUE, AND REPEALING OTHER ORDINANCES HERETOFORE ADOPTED, THE PROVISIONS OF WHICH ARE INCONSISTENT HEREWITH.

WHEREAS, the City of Linwood owns certain property located at Block 127, Lot 2 in the City of Linwood; and

WHEREAS, the City of Linwood applied for and was granted a minor subdivision by the Linwood Planning Board, whereby three new lots were created, two of which, Lots 2.02 and 2.03, were granted a Use Variance to allow for residential development; and

WHEREAS, the City of Linwood wishes to vacate a portion of Edna Avenue that borders the frontage of Lots 2.02 and 2.03 in order to give the newly created residential lots additional depth and width, while keeping the existing cartway to the proposed property lines consistent with the lots on the north side of Edna Avenue: and

WHEREAS, a 1,758.43 square foot portion of Edna Avenue, hereinafter described, which is presently a dedicated but unimproved and unaccepted municipal street, would be vacated and dedicated to Lot 2.02 in Block 127; and

WHEREAS, a 1,385.50 square foot portion of Edna Avenue, hereinafter described, which is presently a dedicated but unimproved and unaccepted municipal street, would be vacated and dedicated to Lot 2.03 in Block 127; and

Whereas, the proposed vacations will result in adding additional depth and width to each of the subject residential lots; and

WHEREAS, the Linwood Planning Board has reviewed this application, as part of the minor subdivision and has recommended the partial street vacation based upon the aforesaid information and as provided herein; and

WHEREAS, there is no City-owned infrastructure, including stormwater or sanitary sewer improvements, installed within the specified right of way of Edna Avenue; and

WHEREAS, the portions of Edna Avenue that are proposed to be dedicated to Block 127, Lots 2.02 and 2.03 do not serve any public purpose; the proposed vacation of these specific portions of Edna Avenue advances the goals and objectives of the City's Master Plan and will not have an adverse impact on the City's zone plan; and

WHEREAS, for the reasons referenced above, among others, it appears to the governing body that the public interest will be better served by releasing the affected lands from any and all public rights therein and thereto pursuant to *N.J.S.A. 40:67-19*.

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Linwood, County of Atlantic and State of New Jersey that:

SECTION 1: The following herein described streets and/or alley and portions thereof are hereby vacated and any and all public rights therein are hereby released and extinguished which arise from the prior dedication thereof, subject to a public utility easement and public access easement, if any, being reserved, the respective descriptions of which are as follows:

**METES AND BOUNDS DESCRIPTION
VACATION OF PART OF EDNA AVENUE
TO BE DEDICATED TO BLOCK 127, LOT 2.02
CITY OF LINWOOD
ATLANTIC COUNTY, NEW JERSEY**

Description for a right-of-way vacation to be dedicated to Block 127, Lot 2.02, said lot being in the City of Linwood, County of Atlantic and State of New Jersey, as appears on the official Tax Map of the City of Linwood, Sheet 20 and being more particularly described as follows:

BEGINNING at a point 176.37 feet northwest of the intersection of the Southerly line of Maple Avenue (43' Wide) and the Westerly line of Edna Avenue (50' Wide), and extending thence;

1. North 59 degrees 08 minutes 55 seconds West, along the Southerly line of Edna Avenue (50' Wide), a distance of 218.46 feet to a point; thence
2. North 12 degrees 30 minutes 00 seconds East, a distance of 8.43 feet to a point; thence
3. South 59 degrees 05 minutes 55 seconds East, a distance of 221.15 feet to a point; thence
4. South 35 degrees 56 minutes 49 seconds West, to a point in the common lot line of Lots 2.02 and 2.03, a distance of 8.00 feet to the point and place of beginning.

Above described right-of-way vacation containing approximately **1,758.43** square feet to be dedicated to **Lot 2.02 in Block 127**.

Said right-of-way vacation more particularly shown on a plan entitled "Minor Subdivision Plan Block 127, Lot 2", prepared by Polistina & Associates and dated 1-28-26.

And

**METES AND BOUNDS DESCRIPTION
VACATION OF PART OF EDNA AVENUE
TO BE DEDICATED TO BLOCK 127, LOT 2.03
CITY OF LINWOOD
ATLANTIC COUNTY, NEW JERSEY**

Description for a right-of-way vacation to be dedicated to Block 127, Lot 2.03, said lot being in the City of Linwood, County of Atlantic and State of New Jersey, as appears on the official Tax Map of the City of Linwood, Sheet 20 and being more particularly described as follows:

BEGINNING at a point at the intersection of the Southerly line of Maple Avenue (43' Wide) and the Westerly line of Edna Avenue (50' Wide), and extending thence;

1. North 7 degrees 29 minutes 00 seconds West, along the Westerly line of Maple Avenue (43' Wide), a distance of 10.21 feet to a point; thence

2. North 59 degrees 05 minutes 55 seconds West, along a line, a distance of 170.00 feet to a point; thence
3. South 35 degrees 56 minutes 49 seconds West, along the common lot line of Lot 2.02 and Lot 2.03, a distance of 8.00 feet to a point; thence
4. South 59 degrees 05 minutes 55 seconds East, along the Southerly line of Edna Avenue (50' wide), a distance of 176.37 feet to the point and place of beginning.

Above described right-of-way vacation containing approximately **1,385.50** square feet to be dedicated to **Lot 2.03 in Block 127**.

Said right-of-way vacation more particularly shown on a plan entitled "Minor Subdivision Plan Block 127, Lot 2", prepared by Polistina & Associates and dated 1-28-26.

SECTION 2: That the public rights arising from any dedication, actual or implied, of the streets and/or alley above mentioned, and indicated on copies of maps filed in the office of the City Clerk, as aforesaid, be and the same are hereby released and extinguished.

SECTION 3: That any costs including publication fees, legal fees or engineering expenses incurred, beyond those included in the engineering retainer, incident to the vacating of the aforementioned and above named streets, shall be paid by the person or persons in whose favor the streets are being vacated to the extent possible.

SECTION 4: The City Clerk shall immediately after final passage and publication of this Ordinance, and after satisfaction of the conditions referenced in Section 3 above, make and file in the office of the Clerk of Atlantic County a copy of this Ordinance together with a copy of the proof of publication hereof duly certified by her, under the corporate seal of the City of Linwood for record, as required by law.

SECTION 5: That all ordinances or parts of ordinances inconsistent with the provisions hereof be and the same hereby are repealed and this Ordinance shall take effect immediately, as provided herein, after final passage and publication.

FIRST READING: April 8, 2026
PUBLICATION: April 9, 2026
FINAL PASSAGE: April 22, 2026

The within Ordinance was introduced at a meeting of the Common Council of the City of Linwood, County of Atlantic and State of New Jersey held on April 8, 2026 and will be further considered for final passage after a public hearing thereon at a meeting of said Common Council on April 22, 2026.

LEIGH ANN NAPOLI, RMC, MUNICIPAL CLERK

DARREN MATIK, MAYOR