



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## **ORDINANCE O-23-09**

### **VACATING A PORTION OF OCEAN-VIEW AVENUE ADJACENT TO LOT 2, BLOCK 5 IN THE BOROUGH OF HIGHLANDS, COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

**WHEREAS**, N.J.S.A. 40:67-1, et seq., authorizes the governing body of every municipality to make, amend, repeal and enforce ordinances to vacate any public street, highway, lane or alley, or any part thereof; and

**WHEREAS**, pursuant to Section 8-3 of the Borough Code, an application for the instant street vacation was submitted by the adjacent property owner; and

**WHEREAS**, the portion of Ocean-View Avenue requested to be vacated is a paper street and was never opened by the Borough of Highlands; and

**WHEREAS**, the governing body of the Borough of Highlands has determined that the public interest would be best served by abandoning, vacating, releasing and extinguishing any and all public rights which the Borough may have in and to the rights of way known as a portion of Ocean-View Avenue adjacent to Lot 2, Block 5 as shown on Schedule A attached hereto.

**NOW, THEREFORE, BE IT ORDAINED** by the governing body of the Borough of Highlands as follows:

#### **SECTION I.**

A strip of land, ranging between 5.37 feet along Hillside Avenue and 7.64 feet along Thompson Avenue, being a portion of Ocean-View Avenue, more particularly described in the Description of a Portion of Ocean-View Avenue dated March 14, 2023 prepared by Robert K. Sanchez, P.L.S., of CME Associates attached hereto as Schedule A, is not needed for public purposes and, accordingly, all public right, title and interest in that portion of Ocean-View Avenue, subject to the exception for public utilities set forth in Section II below, are hereby abandoned, vacated, released and extinguished. This portion of the right of way shall become part of Block 5, Lot 2 in the Borough of Highlands.

#### **SECTION II.**

Pursuant to N.J.S.A. 40:67-1, this Ordinance expressly reserves and excepts from vacation all rights and privileges then possessed by public utilities, as defined in R.S. 48:2-13, and by any cable television company, as defined in the "Cable Television Act," P.L. 1972, c. 186 (C. 48:5A-1 et seq.), to maintain, repair and replace their existing facilities in, adjacent to, over or under the street, highway, lane, alley, square, place or park, or any part thereof, to be vacated, as described in Schedule A.

#### **SECTION III.**

An approximately 12-foot wide strip of land being a portion of Ocean-View Avenue, more particularly described in the Description of a Portion of Ocean-View Avenue dated March 14, 2023 prepared by Robert K. Sanchez, P.L.S., of CME Associates attached hereto as Schedule A, shall remain a right of way.

#### **SECTION IV.**

The Borough Clerk shall file a certified copy of this Ordinance with the Monmouth County Clerk's Office to be recorded in a book with proper index to be provided for the purpose and entitled 'vacations' pursuant to N.J.S.A. 40:67-21.

**SECTION V. SEVERABILITY.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

**SECTION VI. REPEALER.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION VII. EFFECTIVE DATE.** This ordinance shall take effect immediately upon its passage, publication, and recording with the Monmouth County Clerk’s Office in accordance with law.

First Reading and Set Hearing Date for O-23-09:

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
CERVANTES						
CHELAK						
MELNYK						
OLSZEWSKI						
BROULLON						

This is a Certified True copy of the Original Ordinance on file in the Municipal Clerk’s Office.

DATE OF VOTE: March 15, 2023

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Nancy Tran, Municipal Clerk  
Borough of Highlands

Public Hearing for O-23-09:

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
CERVANTES						
CHELAK						
MELNYK						
OLSZEWSKI						
BROULLON						

This is a Certified True copy of the Original Ordinance on file in the Municipal Clerk’s Office.

DATE OF VOTE: April 5, 2023

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Nancy Tran, Municipal Clerk  
Borough of Highlands

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Carolyn Broullon, Mayor