



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE O-22-13

VACATING A PORTION OF AN ALLEY BETWEEN 72 4TH STREET AND 26 CEDAR STREET LOCATED ADJACENT TO LOT 25, BLOCK 65, LOT 2.01, BLOCK 68, AND LOT 2.02, BLOCK 68 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 initially considered at the meeting of the governing body on March 16, 2022; 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 an alley between 72 4th Street and 26 Cedar Street as shown on Schedule A and Schedule B attached hereto.

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

SECTION I.

A 2.32 foot wide strip of land being a portion of Cedar Street, more particularly described in the Description of Road Vacation dated June 21, 2022 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 subject to the exception for public utilities set forth in Section IV below, are hereby abandoned, vacated, released and extinguished. This portion of the alley shall become part of Block 65, Lot 25 in the Borough of Highlands.

SECTION II.

A 2.32 foot wide strip of land being a portion of Cedar Street, more particularly described in the Description of Road Vacation dated June 21, 2022 prepared by Robert K. Sanchez, P.L.S., of CME Associates attached hereto as Schedule B, is not needed for public purposes and, accordingly, all public right, title and interest subject to the exception for public utilities set forth in Section IV below, are hereby abandoned, vacated, released and extinguished. This portion of the alley shall become part of Block 68, Lot 2.02 in the Borough of Highlands.

SECTION III.

A 2.32 foot wide strip of land being a portion of Cedar Street, more particularly described in the Description of Road Vacation dated June 21, 2022 prepared by Robert K. Sanchez, P.L.S., of CME Associates attached hereto as Schedule C, is not needed for public purposes and, accordingly, all public right, title and interest subject to the exception for public utilities set forth in Section IV below, are hereby abandoned, vacated, released and extinguished. This portion of the alley shall become part of Block 68, Lot 2.01 in the Borough of Highlands.

SECTION IV.

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 D.

SECTION V.

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 All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION VIII. 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-22-13:

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
CERVANTES						
CHELAK						
MELNYK						
OLSZEWSKI						
BROULLON						

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

DATE OF VOTE: July 13, 2022

Nancy Tran, Municipal Clerk
Highlands

Public Hearing and Adoption for O-22-13:

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
CERVANTES						
CHELAK						
MELNYK						
OLSZEWSKI						
BROULLON						

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

DATE OF VOTE: August 17, 2022

Nancy Tran, Municipal Clerk
Highlands

Carolyn Broullon, Mayor