

Mr. Caizza offered the following ordinance pass third and final reading and moved on its adoption and authorized its publication according to law:

O-06-14

AN ORDINANCE VACATING PORTION OF HILLSIDE AVENUE, LOCATED BETWEEN LOT 1 IN BLOCK 8 and LOT 1 IN BLOCK 7, IN THE BOROUGH OF HIGHLANDS, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY

WHEREAS, request has been made to vacate a portion of Hillside Avenue in the Borough of Highlands; and

WHEREAS, upon review and consideration of this request by the Governing Body and Borough Professionals, it has been determined that said Right of Way is not needed for public purposes.

BE IT ORDAINED by the Borough Council of the Borough of Highlands, in the County of Monmouth and State of New Jersey as follows:

1. That portion of Hillside Avenue, located adjacent to Lot 1 in Block 8 and Lot 1 in Block 7 is not needed for public purposes and, accordingly, all public right, title and interest therein is hereby released, vacated and extinguished.

2. This street vacation is further subject to any other covenants, restrictions and easements of record, in any, except those that have expired by their own limitations.

3. That, independent of, and in addition to any requirements which may be imposed by *N.J.S.A. 40:67-1 et. seq*, or any other relevant statute or regulation, the provisions of this Ordinance shall not be deemed to vacate any rights and

privileges which may be possessed by any public utility company, as defined in *R.S. 48:2-13*, including but not limited to *New Jersey American Water Company*, or by any cable television company, as defined in *N.J.S.A. 48:5A-1, et seq.*, to maintain, repair and replace any existing facilities in, adjacent to, over or under the said vacated area.

4. That vacation be conditioned upon an express reservation of rights by the Borough of Highlands, its successors and assigns to repair, replace, maintain drainage installation within the area to be vacated.

5. That, after passage, a copy of this Ordinance published in accordance with law and shall be recorded in the Office of the Monmouth County Clerk in the Book of "Vacations" in accordance with *N.J.S.A. 40:67-21*.

6. That the owner of the subject premises shall reimburse the Borough of Highlands for any cost incurred in the introduction and adoption of said ordinance, including but not limited to document preparation fees, and publication and recording costs associated.

7. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

BE IT FURTHER ORDAINED THAT all other provisions of the aforesaid ordinances which are not expressly amended herein

shall remain in full force and effect, except to the extent modified hereby.

Seconded by Mayor O'Neil and adopted on the following roll call vote:

ROLL CALL:

AYES: Mr. Nolan, Mr. Caizza, Mr. Urbanski, Mayor O'Neil

NAYES: None

ABSENT: None

ABSTAIN: None

DATE: October 18, 2006

NINA LIGHT FLANNERY, Borough Clerk
CAROLYN CUMMINS, Deputy Clerk

Introduction: September 20, 2006

Publication: September 28, 2006, The Courier

2nd Reading: October 18, 2006

Public Hearing: October 18, 2006

Adoption: October 18, 2006

Publication: October 26, 2006, The Courier

I hereby certify this to be a true copy of the Ordinance adopted by the Governing Body of the Borough of Highlands on October 18, 2006.

BOROUGH CLERK/DEPUTY CLERK