

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

O-07-25

**AN ORDINANCE VACATING PORTION OF OSBORNE STREET, LOCATED
ADJACENT TO LOTS 1 & 2 IN BLOCK 29, IN THE BOROUGH OF HIGHLANDS, IN
THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

WHEREAS, request has been made to vacate a portion of Osborne Street in the Borough of Highlands by the adjoining property owners; 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 Osborne Street adjacent to Lots 1 & 2 in Block 29, and more particularly described on the attached Schedule A & B is not needed for public purposes and, accordingly, all public right, title and interest therein is hereby released, vacated and extinguished. The Tax Map of the Borough of Highlands shall be amended to in accordance with said legal descriptions. The Borough does not warrant title to the any portion of Lot 1 or 2 in Block 29 located within the right of way of Osborne Street which is vacated hereby.

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*, 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, 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*.

5. That the owner(s) 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.

6. 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 Mr. Urbanski and adopted on the following roll call vote:

ROLL CALL:

AYES: Mr. Nolan, Mr. Caizza, Mr. Urbanski

NAYES: None

ABSENT: Miss Thomas, Mayor O'Neil

ABSTAIN: None

DATE: December 5, 2007

NINA LIGHT FLANNERY
Borough Clerk

Introduction: October 3, 2007

Publication: October 17, 2007 & November 15, 2007, The Asbury Park Press

2nd Reading: December 5, 2007

Public Hearing: December 5, 2007

Adoption: December 5, 2007

Publication: December __, 2007

I hereby certify this to be a true copy of the Ordinance adopted by the Governing Body of the Borough of Highlands on December 5, 2007.

BOROUGH CLERK/DEPUTY CLERK