

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

O-07-28

ORDINANCE VACATING A PORTION OF A TWELVE FOOT WIDE UNNAMED RIGHT OF WAY LOCATED BETWEEN BLOCKS 2 & 3 IN THE BOROUGH OF HIGHLANDS, AND LOTS 5 & 7 IN BLOCK 3 IN THE BOROUGH OF HIGHLANDS, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

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 a portion of a twelve (12) foot wide, unnamed right of way, located between Blocks 2 & 3, situated in the Borough of Highlands as shown on a plan of survey prepared by Yorkanis and White, Inc. P.L.S.P. entitled "Road Vacation Map for an unnamed Right of Way between Blocks 2 & 3, Borough of Highlands, Monmouth County, New Jersey" dated June 27, 2007, attached hereto and made a part hereof as Schedule A-1, and more particularly described as set forth on the legal description attached hereto as Schedule A-2 is not needed for public purposes and, accordingly, all public right, title and interest therein is hereby released, vacated and extinguished.

2. That a portion of a ten (10) foot wide, unnamed right of way, located between Lots 5 & 7 in Block 3, situated in the Borough of Highlands as shown on a plan of survey prepared by Yorkanis and White, Inc. P.L.S.P. entitled "Road Vacation Map for an unnamed Right of Way between Lots 5 & 7 in Block 3, Borough of Highlands, Monmouth County, New Jersey" dated June 27, 2007, attached hereto and made a part hereof as Schedule B-1, and more particularly described as set forth on the legal description attached hereto as Schedule B-2 is not needed for public purposes and, accordingly, all public right, title and interest therein is hereby released, vacated and extinguished.

3. This street vacation is further subject to compliance with all conditions imposed by the Borough of Highlands in connection with the issuance of any building permit, or development approval for any structure, or improvement to adjacent properties. **This street vacation ordinance shall be null and void and of no effect unless the Highlands Planning Board grants timely approval of Development Application Number PB-2007-1, which is presently before the Planning Board. This Ordinance shall not be recorded with the Monmouth County Clerk unless and until PB 2007-1 is so approved.**

4. 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.

5. That, pursuant to *N.J.S.A. 40:67-1*, 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.

6. 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*.

7. 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.

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

Seconded by Mr. Caizza 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

Intro: October 3, 2007

Publish: 10/11/07 & 11/15/07, The Asbury Park Press

2nd Reading: 12/05/07

Adoption: 12/05/07

Publication: December __, 2007

I, _____ Clerk/Deputy Clerk do hereby certify this to be a true copy of Ordinance # O-07-28 as adopted on December 5, 2007 by the Mayor and Council of the Borough of Highlands.

