



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.

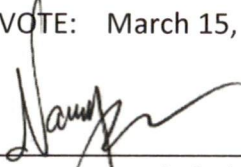
**SECTION VII. EFFECTIVE DATE.** This ordinance shall take effect immediately upon its passage, publication, and recording with the Monmouth County Clerk’s Office in accordance with law.

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

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
CERVANTES			X			
CHELAK			X			
MELNYK			X			
OLSZEWSKI		X	X			
BROULLON	X		X			

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

DATE OF VOTE: March 15, 2023

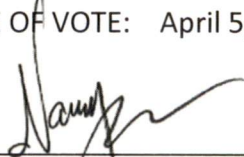
  
\_\_\_\_\_  
Nancy Tran, Municipal Clerk  
Borough of Highlands

Motion to TABLE O-23-09 until June 7, 2023 or until new encroachments are removed:

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
CERVANTES			X			
CHELAK			X			
MELNYK			X			
OLSZEWSKI		X	X			
BROULLON	X		X			

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

DATE OF VOTE: April 5, 2023

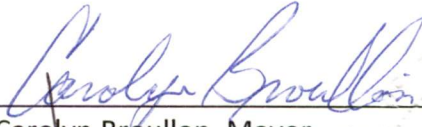
  
\_\_\_\_\_  
Nancy Tran, Municipal Clerk  
Borough of Highlands


Public Hearing for O-23-09:

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
CERVANTES			X			
CHELAK			X			
MELNYK			X			
OLSZEWSKI		X	X			
BROULLON	X		X			

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

DATE OF VOTE: June 7, 2023

  
\_\_\_\_\_  
Carolyn Broullon, Mayor

  
\_\_\_\_\_  
Nancy Tran, Municipal Clerk  
Borough of Highlands

# **SCHEDULE A**





HHI00519.01

March 14, 2023

**Description of a Portion of  
Ocean-View Avenue, Existing 20-Foot Wide Right-of-Way (TM), (Northerly Portion)  
And Remaining Portion Being a 12 Foot Wide Right-of-Way  
Borough of Highlands, Monmouth County, New Jersey**

Description of all that certain lot, parcel or tract of land known and designated as a portion of Ocean-View Avenue, (20 Foot Wide Right-of-Way-TM), situate, lying and being in the Borough of Highlands, Monmouth County, New Jersey and being more particularly bounded and described as follows:

BEGINNING at a point on the southerly Right-of-Way line of Hillside Avenue (33 Foot Wide Right-of-Way-TM), said point being distant 208.49 feet on a course bearing North 87° 38' 23" West from the intersection of said southerly Right-of-Way line of Hillside Avenue with the westerly Right-of-Way line of South Bay Avenue (Variable Width Right-of-Way-TM), and from said Point of BEGINNING proceeding; thence,

- 1) Along the westerly line of Lot 7.02 in Block 6, South 06° 22' 19" East, a distance of 92.68 feet to a point on northerly Right-of-Way line of Thompson Avenue (30 Foot Wide Right-of-Way-TM); thence,
- 2) Along the northerly Right-of-Way line of Thompson Avenue, North 77° 35' 47" West, a distance of 12.67 feet to a point; thence,
- 3) Along the Westerly Right-of-Way line of Ocean-View Avenue, North 06° 22' 19" West, a distance of 90.45 feet to a point at the southerly Right-of-Way line of Hillside Avenue; thence,
- 4) Along the southerly Right-of-Way line of Hillside Avenue, South 87° 38' 23" East, a distance of 12.14 feet to the Point and Place of BEGINNING.

Said description of a 12 Foot Wide portion of Ocean-View Avenue (Existing 20 Foot Wide Right-of-Way-TM) to remain Right-of-Way containing 1,099 Square Feet (0.025 Acres), more or less.




Said described lands being subject to easements, restrictions and agreements of record and such facts as may be disclosed in a full and accurate Title Search and Survey into the property-in-question and the immediate adjoiners.

Said described lands being subject to any and all public utilities established within the road prior to vacation.

Said described lands being known as a 12 Foot Wide portion of Ocean-View Avenue (Existing 20 Foot Wide Right-of-Way-TM) to remain existing Right-of-Way, as shown on the official Tax Map of the Borough of Highlands.

The Road Vacation as described herein being and intended to be the same property as depicted on a certain map entitled "Sketch of Right-of-Way Vacation, Portion of Ocean-View Avenue, Portion of Block 5 – Lot 2, Borough of Highlands, Monmouth County, New Jersey" as prepared by Robert K. Sanchez, Professional Land Surveyor for CME Associates, 1460 Route 9 South, Howell, NJ 07731-1194, dated March 14, 2023.

  
Robert K. Sanchez  
Professional Land Surveyor  
N.J. License No. 43294

Qtl:rks





HHI00519.01

March 14, 2023

**Description of a Portion of  
Ocean-View Avenue, 20-Foot Wide Right-of-Way (TM), (Northerly Portion)  
To Be Vacated and Become Part of  
Lot 2, Block 5  
Borough of Highlands, Monmouth County, New Jersey**

Description of all that certain lot, parcel or tract of land known and designated as a portion of Ocean-View Avenue, (20 Foot Wide Right-of-Way-TM), situate, lying and being in the Borough of Highlands, Monmouth County, New Jersey and being more particularly bounded and described as follows:

BEGINNING at a point on the southerly Right-of-Way line of Hillside Avenue (33 Foot Wide Right-of-Way-TM), said point being distant 220.63 feet on a course bearing North 87° 38' 23" West from the intersection of said southerly Right-of-Way line of Hillside Avenue with the westerly Right-of-Way line of South Bay Avenue (Variable Width Right-of-Way-TM), and from said Point of BEGINNING proceeding; thence,

- 1) Along the Right-of-Way of Ocean-View Avenue, South 06° 22' 19" East, a distance of 90.45 feet to a point on northerly Right-of-Way line of Thompson Avenue (30 Foot Wide Right-of-Way-TM); thence,
- 2) Along the northerly Right-of-Way line of Thompson Avenue, North 77° 35' 47" West, a distance of 7.64 feet to a point; thence,
- 3) Along the easterly line of Lot 2 in Block 5, North 05° 08' 00" West, a distance of 88.83 feet to a point at the southerly Right-of-Way line of Hillside Avenue; thence,
- 4) Along the southerly Right-of-Way line of Hillside Avenue, South 87° 38' 23" East, a distance of 5.37 feet to the Point and Place of BEGINNING.

Said description of a portion of Ocean-View Avenue (20 Foot Wide Right-of-Way-TM) to be vacated and become part of Lot 2 in Block 5 containing 564 Square Feet (0.013 Acres), more or less.



Said described lands being subject to easements, restrictions and agreements of record and such facts as may be disclosed in a full and accurate Title Search and Survey into the property-in-question and the immediate adjoiners.

Said described lands being subject to any and all public utilities established within the road prior to vacation.

Said described lands being known as a portion of Ocean-View Avenue (20 Foot Wide Right-of-Way-TM) to be vacated, as shown on the official Tax Map of the Borough of Highlands.

Intending to vacate all right, title, and interest, in and to a portion of the public right-of-way, commonly known as Ocean-View Avenue (20 Foot Wide Right-of-Way-TM), said street running southerly from Hillside Avenue to Thompson Avenue.

The Road Vacation as described herein being and intended to be the same property as depicted on a certain map entitled "Sketch of Right-of-Way Vacation, Portion of Ocean-View Avenue, Portion of Block 5 – Lot 2, Borough of Highlands, Monmouth County, New Jersey" as prepared by Robert K. Sanchez, Professional Land Surveyor for CME Associates, 1460 Route 9 South, Howell, NJ 07731-1194, dated March 14, 2023.

Robert K. Sanchez  
Professional Land Surveyor  
N.J. License No. 43294

Qtl:rks

P.O.B. BLOCK 5 LOT 2  
S87°38'23"E  
5.37'

HILLSIDE AVENUE  
(33' WIDE ROW - TM)

N87°38'23"W  
208.49' TIE DIST.

GRAPHIC SCALE



( IN FEET )  
1 inch = 20 ft.

BLOCK 5 LOT 2  
N/F VORVOLAKOS,  
EDWARD & ATHANASIOS  
#10 HILLSIDE AVENUE  
DB 9613 PG 6029

P.O.B. RIGHT-OF-WAY  
OCEAN-VIEW AVENUE

AREA TO REMAIN OCEAN-VIEW AVENUE  
RIGHT OF WAY  
12 FOOT WIDE  
AREA = 1,099 S.F. - 0.025 ACRES

BLOCK 6 LOT 7.02  
N/F WILLIAM PUIG, JR  
& EVELYN P. PALCHUNAS  
#6 HILLSIDE AVENUE  
DB 9232 PG 6209

N/F 47-49 SOUTH BAY AVENUE, LLC  
#47-49 SOUTH BAY AVENUE  
BLOCK 6 LOT 8  
DB 8901 PG 8708

SOUTH BAY AVENUE  
(VARIABLE WIDTH ROW - TM)

ROW VACATION  
AREA TO BECOME PART OF  
LOT 2 IN BLOCK 5  
AREA = 564 S.F. - 0.013 ACRES

THOMPSON AVENUE  
(30' WIDE ROW - TM)

N/F BRALEX HOLDINGS, LLC  
#49 OCEANVIEW AVENUE  
BLOCK 4 LOT 5  
DB 9423 PG 3197

N/F ROBERT R. HARTMAN  
& DEBRA DIGIANNO  
#60 OCEANVIEW AVENUE  
BLOCK 6 LOT 7.01  
DB 8966 PG 7665

N/F CAROL RICHARDS  
#50 OCEANVIEW AVENUE  
BLOCK 6 LOT 6  
DB 9312 PG 6531

- THIS SURVEY IS SUBJECT TO THE FOLLOWING:
1. ANY EASEMENTS, DEDICATIONS, OR RESTRICTIONS BOTH RECORDED AND UNRECORDED.
  2. SUCH FACTS THAT A TRUE AND ACCURATE TITLE REPORT MAY REVEAL.
  3. UNLESS NOTED HEREON THE FOLLOWING ITEMS WERE NOT CONTRACTED FOR OR INCLUDED ON THIS SURVEY.
    - a. DELINEATION OF THE SHAPE AND/OR DECLARATION OF THE EXISTENCE OF TOXIC WASTES, SANITARY LANDFILLS, DUMPING GROUNDS, BURIED TANKS, UNDERGROUND LINES, WELLS, OR ANY UNDERGROUND UTILITIES NOT OPEN TO VIEW.
    - b. DELINEATION OF THE EXISTENCE OF WETLANDS AS SPECIFICALLY DEFINED BY THE U.S. ARMY CORPS OF ENGINEERS, NEW JERSEY D.E.P. AND THE U.S. DEPT. OF THE INTERIOR, NATIONAL WETLANDS INVENTORY AND/OR N.J.D.E.P.
  4. UNLESS OTHERWISE NOTED HEREON ALL LOTS ARE LISTED BY TAX MAP DESIGNATION.
  5. BOROUGH OF HIGHLANDS, MONMOUTH COUNTY TAX MAP SHEET #4.
  6. VERTICAL DATUM DERIVED VIA REAL TIME KINEMATIC SURVEY IN COORDINATION WITH KEYSTONE KEYNET VRS NETWORK. VERTICAL DATUM - NORTH AMERICAN DATUM OF 1988. ALL VALUES EXPRESSED IN U.S. SURVEY FOOT.
  7. BEARINGS BASED ON N.J.S.P.C.S. (NAD83).

OCEAN-VIEW AVENUE  
(20' WIDE ROW - TM)

SKETCH OF RIGHT-OF-WAY VACATION  
PORTION OF OCEAN-VIEW AVENUE  
PORTION OF BLOCK 5 - LOT 2  
BOROUGH OF HIGHLANDS, MONMOUTH COUNTY, NEW JERSEY



CONSULTING AND MUNICIPAL ENGINEERS

2541 BORDENTOWN AVENUE, PARLIN, NEW JERSEY 08859 — 5440 ROUTE 9 SOUTH, HOWELL, NEW JERSEY 07731-9944

ROBERT K. SANCHEZ, PLS, CFS  
NEW JERSEY PROFESSIONAL LAND SURVEYOR  
LIC. 43294

JOHN H. ALLGAR P.E., P.P. (1982-2001)	DAVID J. SAMUEL P.E., P.P. NJ PP LIC NO. 28888	JOHN J. STEFANI P.E., L.S. & P.P. NJ PP LIC NO. 34273
JAY B. CORNELL P.E., P.P. NJ PP LIC NO. 22888	MICHAEL J. MCLELLAND P.E., P.P. NJ PP LIC NO. 32940	GREGORY R. VALES P.E., P.P. NJ PP LIC NO. 04480
DATE: 3/14/2023	DRAWN BY: QTL	CHECKED BY: RKS
SCALE: 1"=20'	FILE NO: H1519	