



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

**ORDINANCE 0-19-18**

**AN ORDINANCE AMENDING SECTION 8-3 OF BOROUGH CODE TO  
UPDATE THE APPLICATION PROCESS AND ESCROW FEES  
REQUIRED FOR STREET VACATION**

**WHEREAS**, pursuant to N.J.S.A. 40:67-1, the Borough has the authority to make, amend and enforce ordinances to vacate any public street, highway, lane or alley, or any part thereof; and

**WHEREAS**, the Borough currently regulates street vacation requests and approvals through Chapter 8-3 of the Code of the Borough of Highlands; and

**WHEREAS**, the governing body of the Borough of Highlands wishes to amend its street vacation ordinances to more accurately reflect the time and cost of reviewing applications for street vacations.

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

**SECTION I.**

Borough Code Section 8-3 "Policies and Procedures Regarding Street Vacation Requests and Approvals" shall be amended as follows: (All additions are shown in **bold italics** with **underlines**. The deletions are shown as **strikeovers in bold italics**.)

**8-3 POLICIES AND PROCEDURES REGARDING STREET VACATION REQUESTS  
AND APPROVALS.**

**8-3.1. Application.**

All requests for street vacations shall be made in writing, and addressed to the mayor and borough council, and filed with the borough clerk for consideration at any borough council meeting, ~~within one month of the filing of said request~~ **as soon as reasonably practicable**. Said request must include an identification of the applicant's property, and a depiction of the premises to be vacated, and a list of all owners of adjacent property, with current mailing addresses. **The applicant shall provide notice of the application and meeting date to all owners of adjacent property, and shall provide proof of such notice to the borough clerk.**

**8-3.2 Initial Review.**

The applicant shall be notified of the date the matter is to be initially considered by the governing body, and may address the governing body at that time. If the request is denied, the applicant shall be notified in writing of the decision of the borough council, and to the extent practicable, of the reasons therefor.

**8-3.3 Refundable Escrow Deposit.**

a. *Refundable Escrow Fee Required.* If the governing body approves the request preliminarily, the applicant must post a refundable escrow deposit with the borough to defray costs and professional fees incurred by the borough in the course of reviewing said request. The escrow deposit shall be ~~in accordance with the following schedule:~~ \$2,500.00.

- a. ~~Vacation requests of 3,000 S.F. or less.....~~ \$1,250.00
- b. ~~Vacation requests of greater than 3,000 S.F.....~~ \$2,000.00

All actual costs and expenses incurred by the borough with regard to the consideration and/or adoption of any street vacation ordinance shall be paid from the escrow deposit, including but not limited to professional fees, publication costs, recording fees, and certified mail fees. Any unused escrow balance shall be refundable. Any actual costs which exceed said escrow shall be billable to applicant, with prior notice.

**8-3.4 Referral for Recommendations from Departments.**

Following the receipt of the escrow deposit required by subsection 8-3.3 above, the request and supporting documentation shall be forwarded to the borough administrator, the department of public works, the borough attorney, the borough engineer, and such other governmental agencies and utilities as are deemed advisable by the governing body, for recommendation and report. Any reports and recommendations issued in response thereto shall be filed with the borough clerk, and forwarded to the governing body for further consideration at any borough council meeting.

**8-3.5 Document Preparation.**

The borough attorney shall prepare the appropriate ordinance, and any legal documents necessary to implement any street vacation ordinance as directed by the governing body, along with any legal notices required by N.J.S.A. 40:67-1 et seq. ~~Additionally, the borough attorney~~ The borough clerk will record the ordinance following adoption, and such other legal documents as are required, with the county clerk. The borough engineer shall prepare a legal description of the street(s) or easement(s) to be vacated to be included in the text of said ordinance, and upon adoption of same, shall provide any tax map revision necessitated thereby.

8-3.6 Additional Provisions.

The obligation of the borough with regard to the adopted vacation ordinance shall cease with its recording of same with the County Clerk's office and updating of its tax map. In the event that the applicant or the adjacent property owners who may receive an interest in the vacated area wish to have a deed prepared evidencing the property vacated, such deed shall be

the obligation of the owner acquiring title to said portion of the vacated premises. In the event that any such deed is prepared, it shall describe, by metes and bounds, the original property, including within the description that portion of the vacated premises being incorporated with the owner's original land holdings. The deed shall contain a reference to the new tax lot number created and assigned to the combined lot and the vacation area as determined by the borough Assessor. It shall also include a reference to the survey map upon which the deed description is based and a reference to the ordinance number vacating the premises. The deed shall be transferred by the owner to themselves.

**SECTION II. 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 III. REPEALER.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION IV. EFFECTIVE DATE.** This ordinance shall take effect immediately upon its passage and publication in accordance with law.

**Motion to Introduce Ordinance 19-18:**

|          | INTRODUCED | SECONDED | AYE | NAY | ABSTAIN | ABSENT |
|----------|------------|----------|-----|-----|---------|--------|
| BRASWELL | X          |          | X   |     |         |        |
| BROULLON |            | X        | X   |     |         |        |
| MAZZOLA  |            |          | X   |     |         |        |
| RYAN     |            |          | X   |     |         |        |
| O'NEIL   |            |          | X   |     |         |        |

I, Matthew Conlon, RMC, Municipal Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body, at its Council Meeting, held October 2, 2019. WITNESS my hand this 17<sup>th</sup> day of October 2019.


  
 \_\_\_\_\_  
 Matthew Conlon, RMC  
 Municipal Clerk  
 Borough of Highlands, New Jersey



**Public Hearing, Final Reading and Adoption PUBLIC HEARING OCTOBER 16, 2019  
of Ordinance 19-18:**

|          | INTRODUCED | SECONDED | AYE | NAY | ABSTAIN | ABSENT |
|----------|------------|----------|-----|-----|---------|--------|
| BRASWELL |            |          | X   |     |         |        |
| BROULLON |            | X        | X   |     |         |        |
| MAZZOLA  |            |          | X   |     |         |        |
| RYAN     | X          |          | X   |     |         |        |
| O'NEIL   |            |          | X   |     |         |        |

I, Matthew Conlon, RMC, Municipal Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body, at its Council Meeting, held October 16, 2019. WITNESS my hand this 17<sup>TH</sup> day of October 2019.

  
 Matthew Conlon, RMC  
 Municipal Clerk  
 Borough of Highlands, New Jersey

