



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

ORDINANCE O-21-01

AN ORDINANCE VACATING A PORTION OF CORNWELL STREET LOCATED ADJACENT TO LOT 2, BLOCK 51 AND LOT 4, BLOCK 50 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, applications for the instant street vacation were submitted by the adjacent property owners and initially considered at the meeting of the governing body on June 3, 2020; 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 Cornwall Street as shown on Schedule A and Schedule B attached hereto.

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

SECTION I.

The northerly portion of the end of Cornwall Street, a 40-foot wide right of way, also known as Cornwall Street, more particularly described in the Description and Survey dated August 20, 2020 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 subject to the exceptions for public utilities set forth in Section III below, are hereby abandoned, vacated, released and extinguished. This portion of Cornwall Street shall become part of Lot 2, Block 51 in the Borough of Highlands.

SECTION II.

The southerly portion of the end of Cornwall Street, a 40-foot wide right of way, also known as Cornwall Street, more particularly described in the Description and Survey dated August 20, 2020 prepared by Robert K Sanchez, P.L.S. of CME Associates attached hereto as Schedule B, is not needed for public purposes and, accordingly, all public right, title and interest subject to the exceptions for public utilities set forth in Section III below, are hereby abandoned, vacated, released and extinguished. This portion of Cornwall Street shall become part of Lot 4, Block 50 in the Borough of Highlands.

SECTION III.

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.

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.

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
MARTIN		X	X			
MAZZOLA				X		
MELNYK			X			
OLSZEWSKI			X			
BROULLON	X		X			

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

DATE OF VOTE: January 1, 2021



Michelle Hutchinson Acting Municipal Clerk
Borough of Highlands

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
MARTIN			X			
MAZZOLA				X		
MELNYK		X	X			
OLSZEWSKI			X			
BROULLON	X		X			

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

DATE OF VOTE: January 20, 2021



Michelle Hutchinson Acting Municipal Clerk
Borough of Highlands



Carolyn Broullon, Mayor

SCHEDULE A



HHI00003.01

August 20, 2020

**Description of a Portion of
Cornwell Street, 40-Foot Wide Right-of-Way, (Northerly Portion)
To Be Vacated and Become Part of
Lot 2, Block 51
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 Cornwell Street, (40 Foot Wide Right-of-Way-TM) (a.k.a. Cornwall Street), 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 northerly Right-of-Way line of Cornwell Street (40 Foot Wide Right-of-Way), said point being distant 163.55 feet on a course bearing North $48^{\circ} 11' 21''$ East from the intersection of said northerly Right-of-Way line of Cornwell Street with the easterly Right-of-Way line of Shrewsbury Avenue (50 Foot Wide Right-of-Way), and from said Point of BEGINNING proceeding; thence,

- 1) Along the northerly Right-of-Way line of Cornwell Street, North $48^{\circ} 11' 21''$ East, a distance of 19.46 feet to a point on the Tidelands Claim Line, Map number OT567-2190, thence,

Along the said Tidelands Claim Line the following two (2) courses:

- 2) South $44^{\circ} 42' 49''$ East, a distance of 10.39 feet to a point; thence,
- 3) South $36^{\circ} 01' 39''$ East, a distance of 9.67 feet to a point at the Right-of-Way centerline of Cornwell Street; thence,
- 4) Along the Right-of-Way centerline of Cornwell Street, South $48^{\circ} 11' 21''$ West, a distance of 19.02 feet to a point; thence,
- 5) North $41^{\circ} 48' 39''$ East, a distance of 20.00 feet to the Point and Place of BEGINNING.

Said description of a portion of Cornwell Street (40 Foot Wide Right-of-Way) to be vacated and become part of Lot 2 in Block 51 containing 392 Square Feet (0.009 Acres), more or less.



Said description of a portion of Cornwell Avenue (40 Foot Wide Right-of-Way) to be vacated, having been drawn in accordance with a certain map entitled "Map of Building Lots at Navesink Highlands, Highlands, New Jersey, revised January 12, 1903, Unfiled Map Number 40.

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 adjoining.

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 Cornwall Street (40 Foot Wide Right-of-Way) 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 Cornwall Street (40 Foot Wide Right-of-Way), said street running easterly from Shrewsbury Avenue to the Tideland Claim line.

The Road Vacation as described herein being and intended to be the same property as depicted on a certain map entitled "Cornwell Road Vacation, Block 51, Lot 2, Cornwall Road Conveyance to Block 51 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 August 20, 2020.

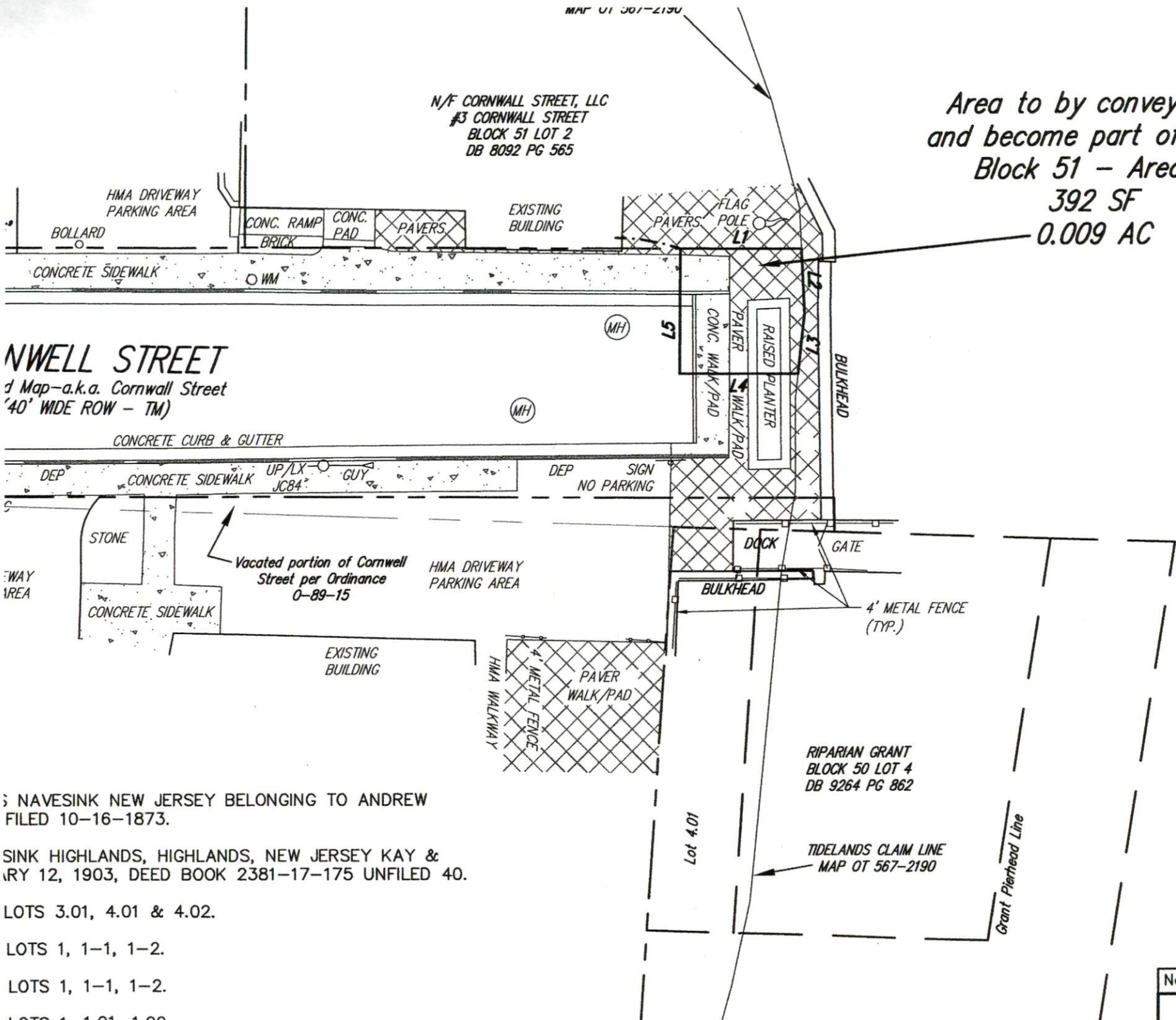
Robert K. Sanchez
Professional Land Surveyor
N.J. License No. 43294

Qtl:rks

MAP OT 507-2190

N/F CORNWALL STREET, LLC
#3 CORNWALL STREET
BLOCK 51 LOT 2
DB 8092 PG 565

Area to be conveyed to
and become part of Lot 2
Block 51 - Area =
392 SF
0.009 AC



NWELL STREET
d Map - a.k.a. Cornwall Street
'40' WIDE ROW - TM)

NAVESINK NEW JERSEY BELONGING TO ANDREW
FILED 10-16-1873.

SINK HIGHLANDS, HIGHLANDS, NEW JERSEY KAY &
RY 12, 1903, DEED BOOK 2381-17-175 UNFILED 40.

LOTS 3.01, 4.01 & 4.02.

LOTS 1, 1-1, 1-2.

LOTS 1, 1-1, 1-2.

LOTS 1, 1-1, 1-2.

No.	
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SCHEDULE B



HHI00003.01

August 20, 2020

**Description of a Portion of
Cornwell Street, 40-Foot Wide Right-of-Way, (Southerly Portion)
To Be Vacated and Become Part of
Lot 4, Block 50
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 Cornwell Street, (40 Foot Wide Right-of-Way-TM) (a.k.a. Cornwall Street), 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 Cornwell Street (40 Foot Wide Right-of-Way), said point being distant 164.70 feet on a course bearing North $48^{\circ} 11' 21''$ East from the intersection of said southerly Right-of-Way line of Cornwell Street with the easterly Right-of-Way line of Shrewsbury Avenue (50 Foot Wide Right-of-Way), and from said Point of BEGINNING proceeding; thence,

- 1) Within the southerly Right-of-Way portion of Cornwell Street, North $41^{\circ} 48' 39''$ West, a distance of 20.00 feet to a point in the centerline of Cornwell Street; thence,
- 2) Along the centerline of Cornwell Street, North $48^{\circ} 11' 21''$ East, a distance of 19.02 feet to a point on the Tidelands Claim Line, Map Number OT567-2190; thence,

Along the said Tidelands Claim Line the following three (3) courses:

- 3) South $36^{\circ} 01' 39''$ East, a distance of 3.93 feet to a point; thence,
- 4) South $42^{\circ} 06' 08''$ East, a distance of 14.83 feet to a point; thence,
- 5) South $32^{\circ} 19' 49''$ East, a distance of 1.28 feet to a point on the southerly Right-of-Way line of Cornwell Street; thence,
- 6) Along the southerly Right-of-Way line of Cornwell Street, South $48^{\circ} 11' 21''$ West, a distance of 18.48 feet to the Point and Place of BEGINNING.

Said description of a portion of Cornwell Street (40 Foot Wide Right-of-Way) to be vacated and become part of Lot 4 in Block 50 containing 374 Square Feet (0.009 Acres), more or less.



Said description of a portion of Cornwell Avenue (40 Foot Wide Right-of-Way) to be vacated, having been drawn in accordance with a certain map entitled "Map of Building Lots at Navesink Highlands, Highlands, New Jersey, revised January 12, 1903, Unfiled Map Number 40.

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 Cornwall Street (40 Foot Wide Right-of-Way) 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 Cornwall Street (40 Foot Wide Right-of-Way), said street running easterly from Shrewsbury Avenue to the Tidelands Claim line.

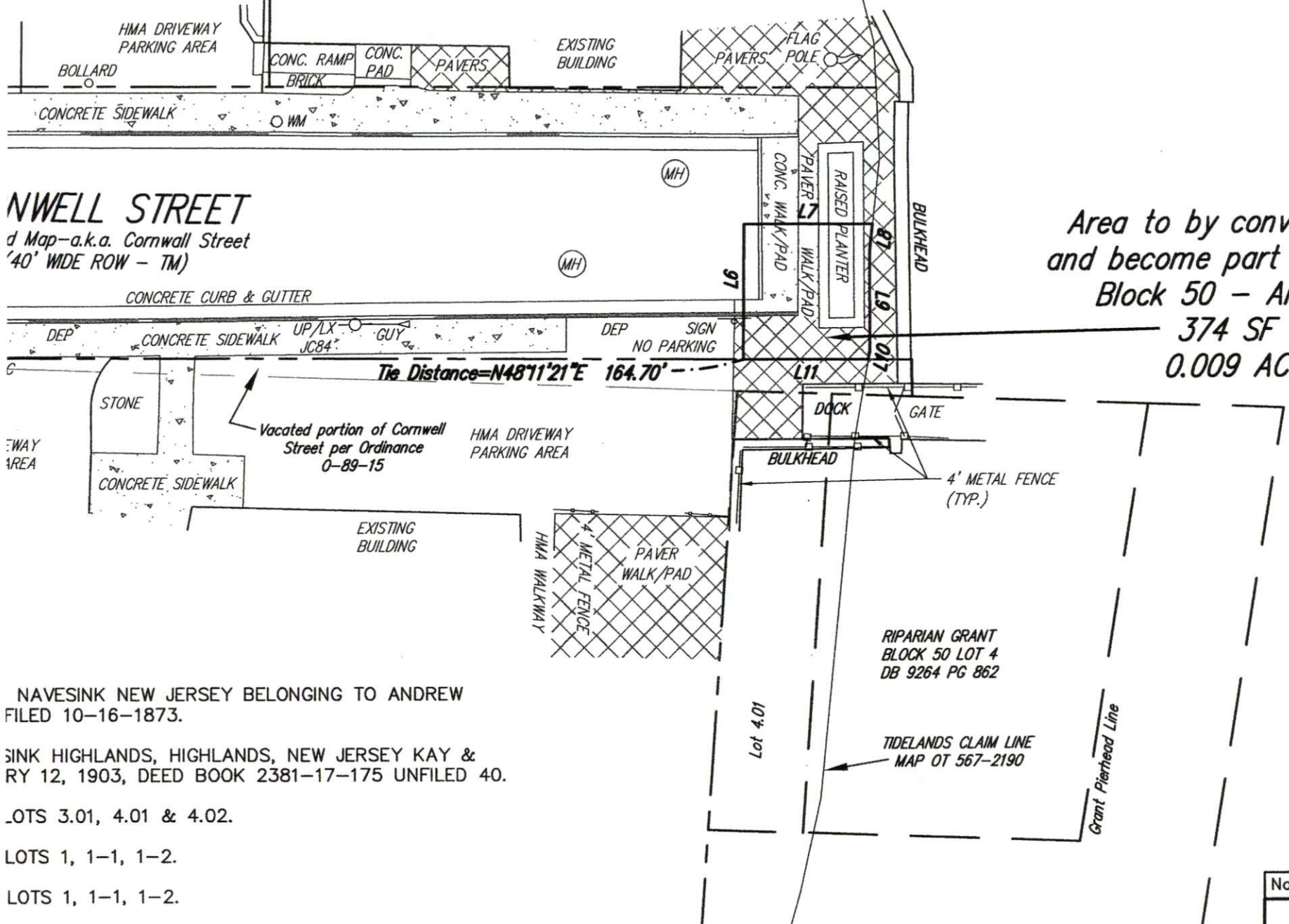
The Road Vacation as described herein being and intended to be the same property as depicted on a certain map entitled "Cornwell Road Vacation, Block 50, Lot 4, Cornwall Road Conveyance to Block 50 Lot 4, Borough of Highlands, Monmouth County, New Jersey" as prepared by Robert K. Sanchez, Professional Land Surveyor for CME Associates, 1460 Route 9 South, Howell, NJ 07731-1194, dated August 20, 2020.

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

Qtl:rks

MAP OT 501-2190

N/F CORNWALL STREET, LLC
#3 CORNWALL STREET
BLOCK 51 LOT 2
DB 8092 PG 565



Area to be conveyed to
and become part of Lot 4
Block 50 - Area =
374 SF
0.009 AC

NAVESINK NEW JERSEY BELONGING TO ANDREW
FILED 10-16-1873.

SINK HIGHLANDS, HIGHLANDS, NEW JERSEY KAY &
RY 12, 1903, DEED BOOK 2381-17-175 UNFILED 40.

LOTS 3.01, 4.01 & 4.02.

LOTS 1, 1-1, 1-2.

LOTS 1, 1-1, 1-2.

RIPARIAN GRANT
BLOCK 50 LOT 4
DB 9264 PG 862

TIDELANDS CLAIM LINE
MAP OT 567-2190

No.	
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