



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 Cornwell 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 Cornwell 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 Cornwell Street shall become part of Lot 2, Block 51 in the Borough of Highlands.

SECTION II.

The southerly portion of the end of Cornwell 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 Cornwell 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						
MAZZOLA						
MELNYK						
OLSZEWSKI						
BROULLON						

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						
MAZZOLA						
MELNYK						
OLSZEWSKI						
BROULLON						

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