



NOTICE OF ADOPTION OF ORDINANCE

PLEASE TAKE NOTICE that the Governing Body of the Borough of Atlantic Highlands introduced the following Ordinance at their May 12, 2010 meeting. Following a Public Hearing held on May 26, 2010, this Ordinance was finally adopted. This Ordinance is available for public inspection, and copies will be available at Borough Hall in the Municipal Clerk's office during regular business hours, 8:30 AM to 4:30 PM, Monday through Friday.

Dwayne M. Harris
Municipal Clerk

ORDINANCE 14-2010

ORDINANCE AUTHORIZING VACATION OF WEST GARFIELD AVENUE PAPER STREET AND EXECUTION OF DEED CONVEYING BOROUGH'S INTEREST IN SAID STREET TO NEW JERSEY NATURAL GAS COMPANY

WHEREAS, the West Garfield Avenue paper street is an unimproved area shown on the Borough tax map, that is unimproved and not utilized or intended to be utilized in the future by the Borough in its operating road system, and

WHEREAS, this paper street parcel abuts properties owned by New Jersey Natural Gas Co. (NJNG) (Block 105 Lot 4 and Block 105 Lot 3.01) and, as part of negotiations and an Agreement between the Borough and NJNG approved by Resolution 54-2010, the Borough agreed to vacate the West Garfield Avenue paper street so as to allow that parcel to be merged and incorporated into and with Block 105 Lot 4 and Block 105 Lot 3.01, and

WHEREAS, this vacation of West Garfield Avenue paper street will not eliminate access to any property and will not impair the public safety and welfare of the Borough and its residents, and it is in the best interests of the Borough residents that the West Garfield Avenue paper street right of way be vacated so that the vacated area may be merged with the adjacent parcels in accordance with law.

NOW THEREFORE BE IT ORDAINED by the Governing Body of the Borough of Atlantic Highlands as follows:

1. Any and all rights in the paper street right of way known as West Garfield Avenue --- being the unimproved right of way/paper street, beginning at the line of West Avenue at the

Ordinance 14-2010 Adopt Vacating Garfield Avenue

boundary of the right of way and Block 105 Lot 3.01, then easterly approximately 109.7 feet to a point with the boundary with Block 105 Lot 6, then approximately 50 feet northerly along the boundary with Block 105 Lot 6 to a point on the boundary with Block 105 Lot 4, then approximately 120 feet westerly to the line with West Avenue, then approximately 50 feet southerly along the boundary line with West Avenue to the point and place of beginning, being an area of approximately 5750 s.f.) be and is hereby extinguished and vacated, and this property is free from any and all public rights for use as a public street pursuant to N.J.S.A. 40:67-19.

2. As per N.J.S.A. 40:67-1(b), this Vacation expressly reserves and excepts from vacation all rights and privileges now possessed by public utilities, as defined in N.J.S.A. 48:2-13, and Cable Television Companies, as defined in N.J.S.A. 48:5A-1, to maintain, repair, and replace their existing facilities in, adjacent to, over or under the streets or areas now being vacated.

3. The West Garfield Avenue right of way being vacated is more specifically shown on the attached Exhibit A as X hatched.

BE IT FURTHER ORDAINED that the Mayor and Borough Clerk are authorized to execute a Deed, in accordance with the Agreement with NJNG approved by Resolution 54-2010, in a form approved by the Borough Attorney that will convey to NJNG all the Borough's rights and interest in the West Garfield Avenue paper street parcel vacated by this Ordinance.