

INTRODUCED BY _____
SECONDED BY _____

INTRODUCTION _____
HEARING _____
ADOPTION _____

**BOROUGH OF CLIFFSIDE PARK
COUNTY OF BERGEN, STATE OF NEW JERSEY**

ORDINANCE 2023-10

**ORDINANCE VACATING A PORTION OF HIGHLAND AVENUE, SPECIFICALLY
THE PAPER STREET REFERENCED ON THE TAX MAP**

WHEREAS, Highland Avenue has been dedicated as a “Paper Street”, as shown on the current zoning and tax maps of the Borough of Cliffside Park; and

WHEREAS, Highland Avenue is located in the Borough Cliffside Park within the County of Bergen, and Sate of New Jersey; and

WHEREAS, the following is a list of all recorded Deeds for the adjacent properties of the Highland Avenue Paper Street:

1. David Picinich is the Owner of Block 705, Lot 15 recorded in Bergen County Clerk’s Office in Book 09250, Page 220
2. Deutsche Bank National Trust Company, as trustee, for Indymac residential mortgage-backed Trust, series 2005-L2, residential mortgage-backed Certificates, series 2005-L2 6200 South Quebec Street Greenwood Village, Colorado 80111 is the Owner of Block 705, Lot 16 recorded in Bergen County Clerk’s Office in the virtual Book 4942, Page 396
3. Pantelis Topouzis and Christina Topouzis are the Owners of Block 705, Lot 11 & 17 recorded in Bergen County Clerk’s Office in Book 8103, Page 589
4. Mark Loetscher and Kyoko Matsui Loetscher are the Owners of Block 705, Lot 18 recorded in Bergen County Clerk’s Office in Virtual Book 02044, Pages 2186-2190
5. Mark E. Loetscher is the Owner of Block 705, Lot 9 recorded in Bergen County Clerk’s Office in Book 8081, Page 461
6. The Borough of Cliffside Park is the Owner of Block 1003, Lot 1
7. Dolores L. Akparian is the Owner of Block 1003, Lot 2 recorded in Bergen County Clerk’s Office in Virtual Book 4893, Page 395
8. Dolores L. Apkarian is the Owner of Block 1003, Lot 3 recorded in Bergen County Clerk’s Office in Virtual Book 4893, Page 436
9. Edward and Jacqueline Weyand is the Owner of Block 1003, Lot 4, formerly known as Block 43J, Lot 14C recorded in 8055, Page 026

WHEREAS, Highland Avenue Paper Street is currently vacated and is no longer necessary for general public use, and the rights of the public will not be injuriously or adversely affected by the requested partial street vacation; and the public interest will be served in that partial street vacation and dedication will advance the public safety, convenience and welfare; and

WHEREAS, Notice has been given of the Borough Council’s intentions to adopt an Ordinance Vacating the Paper Street portion of Highland Avenue, as more fully described in the Survey Metes and Bounds Description prepared by Boswell Engineering, which is attached hereto and incorporated herein as if set forth in its entirety as Exhibit A; and

WHEREAS, a Public Hearing has been provided pursuant to N.J.S.A. 40:67-1 (b), N.J.S.A. 40:67-6 and N.J.S.A. 40:49-6; and

WHEREAS, it appears to the Council that the public interest will be better served by vacating and releasing the aforesaid portion of the Paper Street portion of Highland Avenue from the dedication of public use.

NOW, THEREFORE, BE IT ORDAINED, that the Borough Council of Cliffside Park, County of Bergen, State of New Jersey, in accordance with the provisions of N.J.S.A. 40:67-1 et. seq., hereby states as follows:

1. The Survey Metes and Bounds description, attached hereto and incorporated herein as if set forth in its entirety, is hereby vacated, and the area described therein is vacated as a Public Paper Street excepting that all rights and privileges to maintain, repair, replace existing facilities in, adjacent to, over or under the portion of the Paper Street, are to be vacated, except those in possession by the Public Utilities as defined in N.J.S.A. 48:2-13, or by any Cable Television Company, as defined in N.J.S.A. 48:5A-1 et. seq., and to the Borough of Cliffside Park itself, who reserves the right to enter onto the Property to repair, replace and maintain sanitary and/or storm sewer lines that may currently exist or will in the future exist, to service the respective properties in the area, or which may be installed in the vacated area; and
2. The Borough Clerk shall, within 60 days after the adoption of this Ordinance, file a copy of this Certified to be Trust Copy of this Ordinance under the Seal of the Borough together with a copy of the proof of Publication or this Ordinance, with the Bergen County Clerk's Office, with proper index to be provided for the purpose of recording the Paper Street Vacation

SEVERABILITY. If the provisions of any article, section, subsection, paragraph, subdivision, or clause of this ordinance shall be judged invalid in whole or in part or as applied to any particular circumstance or individual by a court of competent jurisdiction, such order of judgment shall not effect or invalidate the remainder of any article, section, subsection, paragraph, subdivision, or clause of this ordinance.

REPEALER. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed as to such inconsistencies only.

EFFECTIVE DATE. Subject to the revisionary interest set forth herein, this Ordinance shall take effect 20 days following the passage and publication according to the Law.

INTRODUCED _____, 2023

ADOPTED _____, 2023

ATTEST:

APPROVED:

Sercan Zoklu, Borough Clerk

Thomas Calabrese, Mayor



**DESCRIPTION OF HIGHLAND AVENUE
TO BE VACATED
Borough of Cliffside Park
Bergen County, New Jersey**

BEGINNING at a point formed by the intersection of the northwesterly line of Highland Avenue (50.00 feet wide) and the southwesterly line of Overlook Avenue (50.00 feet wide), and running thence;

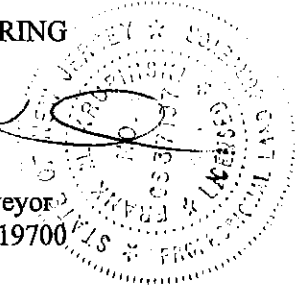
1. Along the extension of the southwesterly line of Overlook Avenue, South 58 degrees 15 minutes 33 seconds East, a distance of 4.73 feet to a point, thence;
2. Continuing along the same, South 64 degrees 25 minutes 13 seconds East, a distance of 45.54 feet to a point, thence;
3. Along the southeasterly line of Highland Avenue, South 31 degrees 44 minutes 27 seconds West, a distance of 364.06 feet to a point, thence;
4. Along the northeasterly line of Lot 3.01 in Block 705 and the terminus of Highland Avenue, North 43 degrees 17 minutes 33 seconds West, a distance of 51.76 feet to a point, thence;
5. Along the aforementioned northwesterly line of Highland Avenue, North 31 degrees 44 minutes 27 seconds East, a distance of 345.81 feet to the point or place of BEGINNING.

Containing 17,735 square feet or 0.407 acre more or less.

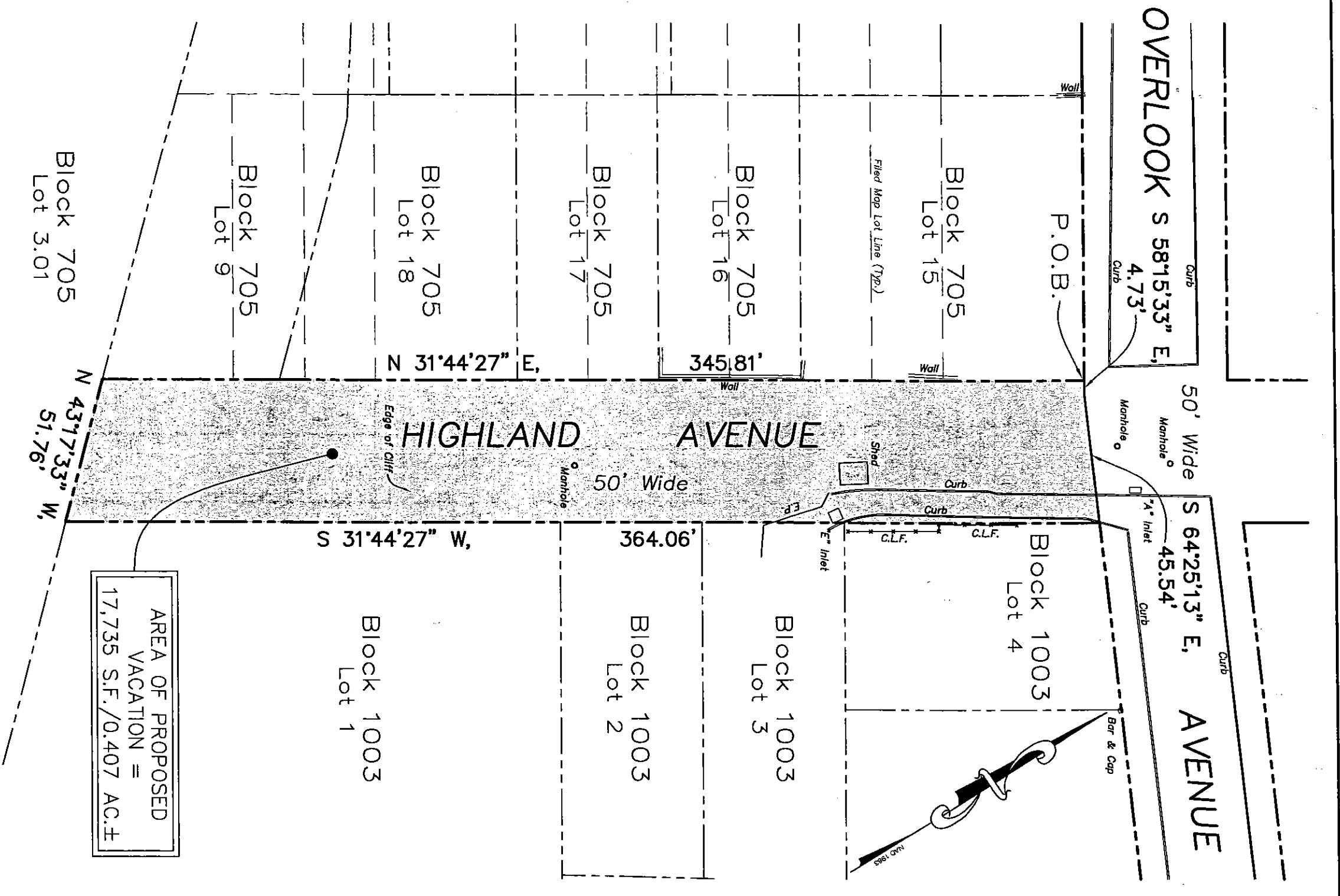
SUBJECT TO all rights and privileges then possessed by Public Utilities, as defined in N.J.S.A. 48:2-13, and by any cable television company, as defined in the "Cable Television Act," P.L. 1972, C. 186 (N.J.S.A. 48:5A-1 et seq.), the Borough of Cliffside Park and their successors to maintain, repair, and replace existing facilities in, adjacent to, over or under the portion of Highland Avenue to be vacated.

BOSWELL ENGINEERING

Frank M. Krupinski
Professional Land Surveyor
N.J. Lic. No. 24GS03719700
April 27, 2023



CP-1068



AREA OF PROPOSED
VACATION =
17,735 S.F./0.407 AC.F.

FRANK M. KRUPINSKI
PROFESSIONAL LAND SURVEYOR, N.J. LIC. 246303719700

BOSWELL ENGINEERING
330 PHILLIPS AVE., SOUTH HACKENSACK, N.J. 07606
N.J. CERTIFICATE OF AUTHORIZATION No. 246A27958000

**MAP SHOWING PROPOSED VACATION OF
HIGHLAND AVENUE**

**BOROUGH OF CLIFFSIDE PARK
BERGEN COUNTY ~ NEW JERSEY**

SCALE, 1"=40'

DATE, 4-27-23

FILE, CP-1068

SURVEYED BY: RRR

DRAWN BY: FMK

CHECKED BY: GM

BOSWELL ENGINEERING

