

TOWNSHIP OF UPPER

CAPE MAY COUNTY

ORDINANCE

ORDINANCE NO. 009-2013

**AN ORDINANCE VACATING A PORTION OF JASPER AVENUE BETWEEN
COMMONWEALTH AVENUE AND BAYVIEW DRIVE, WITHIN THE TOWNSHIP
OF UPPER, COUNTY OF CAPE MAY AND STATE OF NEW JERSEY**

WHEREAS, N.J.S.A. 40:67-1 authorizes the Governing Body of a municipality to adopt an Ordinance, among other things, to vacate any street, highway, lane, alley, square, place or park, or any part thereof, dedicated to public use but not accepted by the municipality, whether or not the same, or any portion, has been actually opened or improved; and

WHEREAS, James Schroder is the owner of Block 812, Lot 4 and Block 813, Lot 1 and has requested that the Township vacate a portion of the street described in this Ordinance and has agreed to pay the costs incurred by the Township to vacate said street; and

WHEREAS, the Township Committee has duly considered the matter and it appears reasonable to agree to the request since there is no present or foreseeable need or intention to utilize said roadway; and

WHEREAS, it is deemed to be in the public interest to vacate a portion of Jasper Avenue within the Township of Upper, as hereinafter provided.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Upper, in the County of Cape May and State of New Jersey, as follows:

SECTION 1: The public right in, along, upon and over the following described land is hereby vacated, surrendered and extinguished:

Description

Vacation of Portion of Jasper Avenue
Adjacent to Blocks 807, 808, 811, 812, and 813
as shown on Tax Map Sheet No. 33.01
Strathmere Section of
Township of Upper

BEGINNING at the Northeasterly corner of Jasper Ave. (50' wide) and Bayview Dr. extending Southeastwardly along Block 813 a distance of 520'; and continuing across and including that portion therein of Garden Ave. (50' wide); and continuing along Block 812 a distance of 650'; and continuing across Landis Ave. (25' wide) to the Northwesterly

line of Block 811 Lot 11; and extending Southwestwardly along Block 811 Lot 11 and the formerly vacated portion of Jasper Ave. a distance of 25'; and extending Southeastwardly along the centerline of Jasper Ave. (unimproved) a distance of 45'; and extending Southwestwardly along Block 811 Lot 7 a distance of 25'; and extending Northwestwardly along Block 811 Lots 4 & 7 a distance of 170'; and continuing across an unnamed alley (10' wide); and continuing along Block 808 a distance of 540'; and continuing across and including that portion therein of Garden Ave. (50' wide); and continuing along Block 807 a distance of 600'; and extending Northeastwardly across Jasper Ave. (50' wide) to the point of beginning.

SECTION 2: This Ordinance vacates no portion of the street except that portion set forth and described in **SECTION 1** above.

SECTION 3: EXCEPTION: This Ordinance expressly reserves and excepts from vacation all rights and privileges now 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, as hereinabove described.

SECTION 4: REPEALER: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency only.

SECTION 5: EFFECTIVE DATE: This Ordinance shall take effect immediately upon final adoption and publication as required by law.

ATTEST:


BARBARA L. YOUNG, Township Clerk


RICHARD PALOMBO, Mayor

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 10th DAY OF JUNE, 2013 AND WILL BE TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER TO BE HELD ON THE 8th DAY OF JULY, 2013 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.

BY ORDER OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER.

BARBARA L. YOUNG, TOWNSHIP CLERK
TOWNSHIP OF UPPER

Legislative History:

Introduced: June 10, 2013

Publication: June 14, 2013

Newspaper(s): Press of Atlantic City

Second Reading & Public Hearing: July 8, 2013

Final Adoption: July 8, 2013

Final Publication Date: July 11, 2013

I certify that the foregoing Ordinance was finally adopted by the Township Committee of the Township of Upper on July 8, 2013 and notice of adoption was thereafter published pursuant to law in The Press of Atlantic City on July 11, 2013.


BARBARA L. YOUNG, Township Clerk