

TOWNSHIP OF UPPER

CAPE MAY COUNTY

ORDINANCE

ORDINANCE NO. 003-2014

AN ORDINANCE VACATING A PORTION OF MISTLETOE AVENUE ADJACENT TO PORTIONS OF BLOCK 508 AND BLOCK 497, 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, Timothy and Carol Ann McCann are the owners of Block 508, Lots 1-13, and have requested that the Township vacate a portion of the street described in this Ordinance and have agreed to pay the costs incurred by the Township to vacate said street including the costs of the revisions to the tax map; 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 Mistletoe 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 Mistletoe Avenue
Adjacent to portion of Blocks 497 & 508
as shown on Tax Map Sheet No. 18.01
Marmora Section of
Township of Upper

BEGINNING at the Southeasterly corner of Union Ave. (50' wide) and Mistletoe Ave. (Formerly Holly Ave.)(50' wide) extending Southeastwardly along Block 508 Lots 1 and 11-13 a

distance of 160'; and extending Northeastwardly across Mistletoe Ave. (50' wide); and extending Northwestwardly along Block 497 Lots 1 and 17-19 distance of 160'; and extending Southwestwardly along the Southerly line of Union Ave. across Mistletoe 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 MARCH, 2014 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 14th DAY OF APRIL, 2014 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: March 10, 2014

Publication: March 17, 2014

Newspaper(s): Press of Atlantic City

Second Reading & Public Hearing: April 14, 2014

Final Adoption: April 14, 2014

Final Publication Date: April 21, 2014

I certify that the foregoing Ordinance was finally adopted by the Township Committee of the Township of Upper on April 14, 2014 and notice of adoption was thereafter published pursuant to law in The Press of Atlantic City on April 21, 2014.

BARBARA L. YOUNG, Township Clerk