

TOWNSHIP OF UPPER

CAPE MAY COUNTY

ORDINANCE

ORDINANCE NO. 002 -2014

AN ORDINANCE VACATING ADAMS AVENUE ADJACENT TO BLOCKS 417 THROUGH 424, 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, Ralph Clayton, Delores Clayton and Clayton Equipment Corp are the owners of Block 417, Lots 1-3; Block 417, Lots 11-28, 30, 32, 34-60; and Block 417, Lots 29, 31 and 33 and have requested that the Township vacate Adams Avenue as 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 Adams 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 Adams Avenue
Adjacent to Blocks 417 - 424
as shown on Tax Map Sheet No. 13.01
Petersburg Section of
Township of Upper

BEGINNING at the Southwesterly corner of
Adams Ave. (30' wide) and Mill Rd. (40' wide)

extending Southwestwardly along Block 417 a distance of 613.03'; and continuing across Second St. (30' wide); and continuing along Block 418 a distance of 600'; and continuing across Third St. (30' wide); and continuing along Block 419 a distance of 600'; and continuing across Fourth St. (30' wide); and continuing along Block 420 a distance of 445'; and extending Southeasterly across Adams Ave. (30 wide) ; and extending Northeastwardly along Block 421 a distance of 447'; and continuing across Fourth St. (30' wide); and continuing along Block 422 a distance of 600' ; and continuing across Third St. (30' wide); and continuing along Block 423 a distance of 600'; and continuing across Second St. (30' wide); and continuing along Block 424 a distance of 611.69'; and extending Northwesterly along the Southerly line of Mill Rd. across Adams Ave. (30' wide) to the point of beginning; excepting out those portions of Right-of-Way for Second, Third and Fourth Streets.

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 24th DAY OF FEBRUARY, 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 24th DAY OF MARCH, 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: February 24, 2014

Publication: February 28, 2014

Newspaper(s): Press of Atlantic City

Second Reading & Public Hearing: March 24, 2014

Final Adoption: March 24, 2014

Final Publication Date: March 28, 2014

I certify that the foregoing Ordinance was finally adopted by the Township Committee of the Township of Upper on March 24, 2014 and notice of adoption was thereafter published pursuant to law in The Press of Atlantic City on March 28, 2014.


BARBARA L. YOUNG, Township Clerk