

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
O R D I N A N C E**

ORDINANCE NO. 012-2014

**RE: AN ORDINANCE VACATING THE PAPER STREET KNOWN
AS PUBLIC ALLEY BETWEEN PRESCOTT AVENUE AND OTIS AVENUE
WITHIN BLOCK 821, IN 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, Thomas B. Leonard is the owner of Block 821 Lot 7 and has requested that the Township vacate a certain alley described in this Ordinance and has agreed to pay the costs incurred by the Township to vacate said alley, 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 the Public Alley between Prescott Avenue and Otis 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 Alley in
Block 821 and adjacent to Lots 7, 9, and 10.02
as shown on Tax Map Sheet No. 33.01
Strathmere Section of
Township of Upper

BEGINNING in the Southwesterly line of Prescott Avenue (50' Wide) 300.5 feet Northeasterly from the Southeasterly line of Bayview Drive and at the Northeasterly corner of Lot 7 in Block 821 extending Southwesterly along Lots 7 & 10.02 in Block 821 a distance of 200 feet to a point in the Northeasterly line

of Otis Avenue (50' wide and unimproved); then 10 feet Southeasterly along the Northeasterly line of Otis Avenue (50' wide and unimproved) and across said alley to a point in the property line of Lot 9 in Block 821; then 200 feet in a Northeasterly direction along the property line of Lot 9 to a point in the Southwesterly line of Prescott Avenue (50' wide); then 10 feet in a Northwestwardly direction across said alley and along the Southwesterly line of Prescott Avenue to the point of beginning.

SECTION 2: This Ordinance vacates no portion of the alley 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


ANTONIO INSERRA, Deputy 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 25th DAY OF AUGUST, 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 22nd DAY OF SEPTEMBER, 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: August 25, 2014

Publication: August 29, 2014

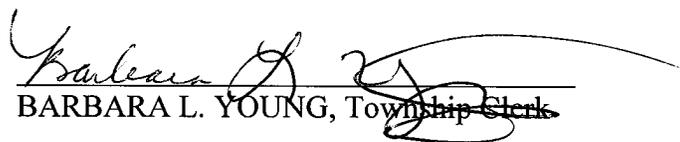
Newspaper(s): Press of Atlantic City

Second Reading & Public Hearing: September 22, 2014

Final Adoption: September 22, 2014

Final Publication Date: September 25, 2014

I certify that the foregoing Ordinance was finally adopted by the Township Committee of the Township of Upper on September 22, 2014 and notice of adoption was thereafter published pursuant to law in The Press of Atlantic City on September 25, 2014.


BARBARA L. YOUNG, Township Clerk