

**A TRUE COPY**  
*Pete Mene Subject*

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
ORDINANCE**

**ORDINANCE NO. 014-2014**

**AN ORDINANCE VACATING A PORTION OF WILLETS ROAD ADJACENT TO BLOCK 487, LOTS 22 AND 33; BLOCK 488, LOTS 1, 13 THROUGH 16, AND 22; AND BLOCK 489, LOTS 1, AND 12 THROUGH 22, 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**, Clayton Development Associates, LLC is the owner of Block 479, Lot 48.01 and has requested that the Township vacate a portion of Willets Road 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 a portion of Willets Road 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 Willetts Road (50' Wide)  
Adjacent to portion of Blocks 479, 487, 488 & 489  
as shown on Tax Map Sheet No. 18.01  
Marmora Section of  
Township of Upper

BEGINNING at the Southwesterly corner of the intersection of Hudson Ave. (50' wide) and Willetts Rd.(50' wide) extending Northwestwardly along Block 488 Lots 1, 13-16 and 22 and Block 487 Lot 33 a distance of 454.88' to the Northwesterly

*Janine A. Heanon, Deputy M. Clerk*  
"Certified as a true copy of Ordinance No. 014-2014 adopted by the Township Committee of the Township of Upper at a regular meeting held on 11-24-14."

corner of Block 487 Lots 22 and 33; and extending Northeastwardly across Willetts Rd. (50' wide) to a point; and extending Southeastwardly along Block 479 Lot 48.01 distance of 707' plus or minus to a point which is perpendicular to the Southeasterly property line of Block 489 Lot 22; and extending Southwestwardly across Willetts Rd. a distance of 50' to the Southeasterly corner of Block 489 Lot 22; and extending Northwestwardly along Block 489 Lots 1 and 12-22 to a point in the Southeasterly corner of the intersection of Hudson Ave. and Willetts Road; and extending across Hudson Ave. (50' wide) to the point of beginning.

**SECTION 2:** This Ordinance vacates no portion of Hudson Avenue or of Willetts Road 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 27<sup>th</sup> DAY OF OCTOBER, 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 24<sup>th</sup> DAY OF NOVEMBER, 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: October 27, 2014

Publication: October 31, 2014

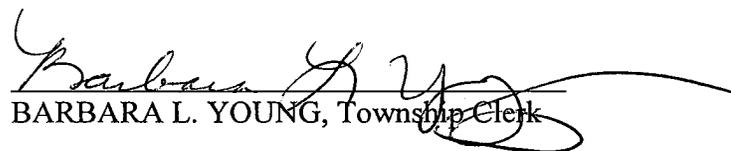
Newspaper(s): Press of Atlantic City

Second Reading & Public Hearing: November 24, 2014

Final Adoption: November 24, 2014

Final Publication Date: November 27, 2014

I certify that the foregoing Ordinance was finally adopted by the Township Committee of the Township of Upper on November 24, 2014 and notice of adoption was thereafter published pursuant to law in The Press of Atlantic City on November 27, 2014.

  
BARBARA L. YOUNG, Township Clerk



Township of Upper  
P.O. Box 205  
Tuckahoe, NJ 08250  
(609) 628-2011 ext. 200  
clerk@uppertownship.com

### UPPER TOWNSHIP PROOF OF INSERTION

State of New Jersey  
County of Cape May

State of New Jersey  
County of Cape May

TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
ORDINANCE

ORDINANCE NO. 014-2014

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**WHEREAS**, N.J.S.A. 40:47-1 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

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**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:

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Description  
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Adjacent to portion of  
Blocks 479, 487, 488 & 489  
as shown on  
Tax Map Sheet No. 18.01  
Marmora Section of  
Township of Upper

**BEGINNING** at the Southwesterly corner of the Intersection of Hudson Ave. (50' wide) and Willets Rd. (50' wide) extending Northwesterly along Block 488 Lots 1, 13-16 and 22 and Block 487 Lot 33 a distance of 454.88' to the Northwesterly corner of Block 487 Lots 22 and 33; and extending Northwesterly across Willets Rd. (50' wide) to a point; and extending Southeastwardly along Block 479 Lot 48.01 distance of 707' plus or minus to a point which is perpendicular to the Southeasterly property line of Block 489 Lot 22; and extending Southwestwardly across Willets Rd. a distance of 50' to the Southeasterly corner of Block 489 Lot 22; and extending Northwesterly along Block 489 Lots 1 and 12-22 to a point in the Southeasterly corner of the Intersection of Hudson Ave. and Willets Road; and extending across Hudson Ave. (50' wide) to the point of beginning.

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**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 27th DAY OF OCTOBER, 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 NOVEMBER, 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  
Printer Fee: \$77.52

I, Joanne R. Herron, do hereby certify that an advertisement, of which the annexed is a true copy, was published in The Press of Atlantic City, a newspaper circulated in Upper Township, County and State aforesaid, issue(s) as follow(s) to wit:

October 31, 2014

Certified this 31<sup>st</sup> day of October, 2014

*Joanne R. Herron*  
Joanne R. Herron, RMC  
Deputy Municipal Clerk



Bk S7 Pg 675 #171  
RECORDED COUNTY OF CAPE MAY  
Rita Marie Fulginiti, County Clerk  
Recording Fee 8.00  
Date 12-24-2014 @ 02:29p

Township of Upper  
P.O. Box 205  
Tuckahoe, NJ 08250  
(609) 628-2011 ext. 200  
clerk@uppertownship.com

## UPPER TOWNSHIP PROOF OF INSERTION

State of New Jersey  
County of Cape May

**NOTICE OF ADOPTION  
TOWNSHIP OF UPPER  
COUNTY OF CAPE MAY  
ORDINANCE**

**ORDINANCE NO. 014-2014**

**RE: AN ORDINANCE VACATING  
A PORTION OF WILLETS ROAD  
ADJACENT TO BLOCK 487, LOTS  
22 AND 33; BLOCK 488, LOTS 1,  
13 THROUGH 16, AND 22; AND  
BLOCK 489, LOTS 1, AND 12  
THROUGH 22, WITHIN THE  
TOWNSHIP OF UPPER, COUNTY  
OF CAPE MAY AND STATE OF  
NEW JERSEY.**

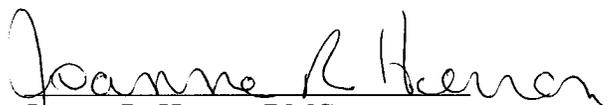
Notice is hereby given that the foregoing Ordinance was introduced for the First Reading at a meeting of the Township Committee of the Township of Upper held on the 27th day of October, 2014 at the Township Hall, and was taken up for consideration as to Final Adoption at a Public Hearing of the Township Committee of the Township of Upper held on the 24th day of November, 2014 at 7:30 P.M. at the Township Hall, Tuckahoe, New Jersey, at which time said Ordinance was adopted.

Barbara L. Young, Township Clerk  
Township of Upper  
Printer Fee: \$19.38  
#0090875408  
Pub Date: November 27, 2014

I, Joanne R. Herron, do hereby certify that an advertisement, of which the annexed is a true copy, was published in The Press of Atlantic City, a newspaper circulated in Upper Township, County and State aforesaid, issue(s) as follow(s) to wit:

November 27, 2014

Certified this 27<sup>th</sup> day of November,  
2014

  
Joanne R. Herron, RMC  
Deputy Municipal Clerk