

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
ORDINANCE**

ORDINANCE NO. 008-2017

**AN ORDINANCE VACATING A PORTION OF WALTON AVENUE, 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, Patrick T. Mullen is the owner of Block 680, Lot 8, and has requested that the Township vacate a portion of Walton Avenue as described in this Ordinance and has 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 Walton 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 a portion of Walton Avenue,
as shown on Current Municipal Tax Map Sheet No. 27.03
Beesley's Point Section of Township of Upper

BEGINNING at the intersection of the
Northeasterly line of Walton Ave. (50' wide) and
Northwesterly Line of Lincoln Ave.; and

Extending along the Northwesterly Line of
Lincoln Ave. across Walton Ave. a distance of 50'
to Block 679 Lot 1.; and

Extending Westwardly along Block 679 Lot
1 to the Easterly line of Spencer Ave; and

Extending Northerly along the Easterly Line
of Spencer Ave to Block 680 Lot 9; and

Extending southeasterly along Block 680 Lot
9 to Lincoln Ave. to the point of beginning.

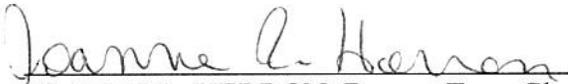
SECTION 2: This Ordinance vacates no portion of the street except that portion set forth and described in **SECTION 1** above.

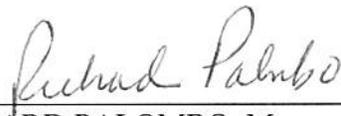
SECTION 3: EXCEPTION: This Ordinance expressly reserves and excepts from vacation all rights and privileges now possessed by public utilities, as defined in R.S. 48:2-13, and by any cable television company, as defined in the "Cable Television Act", P.L. 1972, c. 186, (C.48:5A-1, et seq.), to maintain, 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:


JOANNE R. HERRON, Deputy Twp. 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 30th DAY OF MAY, 2017 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 26th DAY OF JUNE, 2017 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.

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

JOANNE R. HERRON, DEPUTY TWP. CLERK
TOWNSHIP OF UPPER

Legislative History:

Introduced: May 30, 2017

Publication: June 2, 2017

Newspaper(s): Press of Atlantic City

Second Reading & Public Hearing: June 26, 2017

Final Adoption: June 26, 2017

Final Publication Date: June 29, 2017

I certify that the foregoing Ordinance was finally adopted by the Township Committee of the Township of Upper on June 26, 2017 and notice of adoption was thereafter published pursuant to law in The Press of Atlantic City on June 29, 2017.


JOANNE R. HERRON, Deputy Township Clerk