

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
ORDINANCE**

ORDINANCE NO. 007-2018

**AN ORDINANCE VACATING A PORTION OF MISTLETOE 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, Stephen P. DeMarchi and Margaret A. DeMarchi are the owners of Block 494, Lot 16, and have requested that the Township vacate a portion of Mistletoe 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 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 a portion of Mistletoe Avenue,
as shown on Current Municipal Tax Map Sheet No. 18.1
Marmora Section of Township of Upper

BEGINNING at a point at the Northeasterly intersection of Tuckahoe Rd. (50' wide) and Mistletoe Ave. (50' wide); and extending Northwestwardly along Block 494 a distance of 207.4' to a point; and extending Southwestwardly across Mistletoe Ave. (50' wide) along the Southeasterly line of Monmouth Ave. to a point at the Southeasterly intersection of Monmouth Ave. and Mistletoe Ave.; and extending Southeastwardly along Block 511 a distance of 176.24' to a point in the Northeasterly line of Tuckahoe Rd.; and

extending Northeastwardly across Mistletoe Ave.
(50' wide) to the point of beginning;

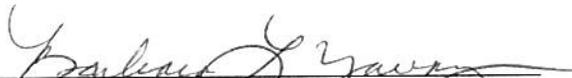
SECTION 2: This Ordinance vacates no portion of the street except that portion set forth and described in **SECTION 1** above.

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


EDWARD BARR, 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 9th DAY OF JULY, 2018 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 13th DAY OF AUGUST, 2018 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: July 9, 2018

Publication: July 12, 2018

Newspaper(s): Press of Atlantic City

Second Reading & Public Hearing: August 13, 2018

Final Adoption: August 13, 2018

Final Publication Date: August 17, 2018

I certify that the foregoing Ordinance was finally adopted by the Township Committee of the Township of Upper on August 13, 2018 and notice of adoption was thereafter published pursuant to law in The Press of Atlantic City on August 17, 2018.


BARBARA L. YOUNG, Township Clerk