

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
ORDINANCE**

ORDINANCE NO. 014-2018

**AN ORDINANCE VACATING A PORTION OF SECOND STREET, 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 Industries, Inc. are the owners of Block 417, Lot 1, and have requested that the Township vacate a portion of Second Street 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 revision 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 Second Street 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 Second Street,
as shown on Tax Map Sheet No. 13.01
Petersburg Section of
Township of Upper

BEGINNING at the Northeasterly corner of Washington Ave. (30' wide) and Second Street (30' wide) and extending Southeastwardly along Northeastwardly line of Second St. a distance of 200'; and continuing across vacated portion of Adams Ave. (30 wide); and continuing Southeastwardly along Northeastwardly line of Second St. a distance of 200' to a point; and extending Southwestwardly across Second Street (30' wide) to a point in the Southwestwardly line of

Second St.; and extending Northwestwardly along the Southwestwardly line of Second St. a distance of 200'; and continuing across the vacated portion of Adams Ave. (30' wide); and continuing Northwestwardly along the Southwestwardly line of Second St. a distance of 200' to a point; and extending Northeastwardly along the Southerly line of Washington Ave. across Second St. (30' wide) to the point of beginning;

SECTION 2: This Ordinance vacates no portion of the street except the 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 THE FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 9TH DAY OF OCTOBER, 2018 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 5TH DAY OF NOVEMBER 2018 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

Legislative History:

Introduced: October 9, 2018

Publication: October 12, 2018

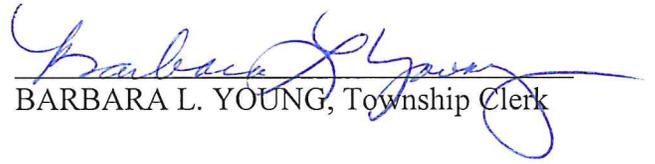
Newspaper(s): Press of Atlantic City

Second Reading & Public Hearing: November 5, 2018

Final Adoption: November 5, 2018

Final Publication Date: November 8, 2018

I certify that the foregoing Ordinance was finally adopted by the Township Committee of the Township of Upper on November 5, 2018 and notice of adoption was thereafter published pursuant to law in The Press of Atlantic City on November 8, 2018.


BARBARA L. YOUNG, Township Clerk