

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

ORDINANCE NO. 015-2018

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

BEGINNING at the Southwesterly corner of Jefferson Ave. (30' wide) and Mill Rd. (40' wide) extending Southwestwardly along Northwestwardly line of Jefferson Ave. 602.72' to a point and extending Southeasterly across Jefferson Ave. (30 wide) to a point in the line of the Southeastwardly line of Jefferson Ave.; and extending Northeastwardly along the Southeastwardly line of Jefferson Ave. a distance of 601.23' to a point; and

extending Northwesterly along the Southerly line of
Mill Rd. across Jefferson Ave. (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

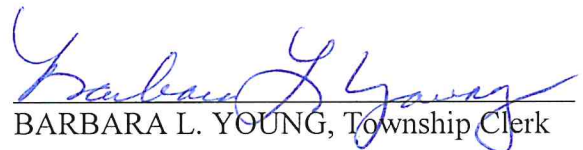
Newspaper(s): Press of Atlantic City

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