

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

**ORDINANCE NO. 011-2019**

**AUTHORIZING THE TRANSFER OF TOWNSHIP OWNED LAND TO THE  
TUCKAHOE VOLUNTEER FIRE COMPANY**

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**WHEREAS**, Township Committee of the Township of Upper, County of Cape May of the State of New Jersey desires to sell land to the Tuckahoe Volunteer Fire Company, a duly incorporated volunteer fire company in the Township of Upper; and

**WHEREAS**, New Jersey Statute 40A:12-21 allows a municipality to sell land to certain organizations for a nominal fee, such as to (a) A duly incorporated volunteer fire company or board of fire commissioners or first aid and emergency or volunteer ambulance or rescue squad association of a municipality within the county, in the case of a county, or of the municipality, in the case of a municipality, for the construction thereon of a firehouse or fire school or a first aid and emergency or volunteer ambulance or rescue squad building or for the use of any existing building for any or all of said purposes and any such land or building sold to any duly incorporated volunteer fire company may be leased by such fire company to any volunteer firemen's association for the use thereof for fire school purposes for the benefit of the members of such association; and

**WHEREAS**, the Township of Upper owns a parcel of land, known as Block 348, Lot 55 on the official tax map of the Township of Upper, which can be of use to the Tuckahoe Volunteer Fire Company; and

**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:**

1. The Township of Upper shall sell to the Tuckahoe Volunteer Fire Company a parcel of land identified on the official tax map of the Township of Upper as 2161 Route 50, Block 348, Lot 55.
2. The sale price shall be for \$1.00.
3. The parcel shall be deed restricted so as to provide that the property shall be used only for the purposes of the Tuckahoe Volunteer Fire Company, and to render those services or to provide those facilities, and not any other purpose, including but not limited to a residential use or building, a commercial business, a trade or manufacturing business, and that if the property is not used in

accordance with that limitation, the property shall revert to the Township of Upper.

4. The Tuckahoe Volunteer Fire Company shall maintain the property in compliance with Revised General Ordinance Chapter 11 of the Code of Upper Township.
5. The Township makes no promise or warranty as to the physical condition or status of the title to this property as it is transferred completely AS IS. If there is a defect in the title or condition of the parcel, the sole right of the Tuckahoe Volunteer Fire Company is to cancel the transaction before transfer of the deed with no further liability between the parties.
6. The Mayor, Clerk, and any and all other Township Officials, are hereby authorized to sign any documents necessary to effectuate this transaction, including any contract, deed, deed restriction or easement.

**SECTION 2:** All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such conflict or inconsistency.

**SECTION 3:** Should any section, paragraph, sentence, clause or phrase of this ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this ordinance are hereby declared to be severable.

**SECTION 4: EFFECTIVE DATE:** This Ordinance shall take effect immediately upon final adoption and publication as required by law.

ATTEST:

  
JOANNE R. HERRON, Deputy 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 **26<sup>TH</sup> DAY OF AUGUST, 2019** 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 **23<sup>RD</sup> DAY OF SEPTEMBER, 2019** AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY, AT WHICH TIME SAID ORDINANCE WAS ADOPTED.

JOANNE R. HERRON, DEPUTY CLERK  
TOWNSHIP OF UPPER

Legislative History:

Introduced: August 26, 2019

Publication: August 29, 2019

Newspaper(s): The Press of Atlantic City

Second Reading & Public Hearing: September 23, 2019

Final Adoption: September 23, 2019

Final Publication Date: September 26, 2019

I certify that the foregoing Ordinance was finally adopted by the Township Committee of the Township of Upper on September 23, 2019 and notice of adoption was thereafter published pursuant to law in The Press of Atlantic City on September 26, 2019.

  
JOANNE R. HERRON, Deputy Clerk