

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
ORDINANCE**

ORDINANCE NO. 012-2022

**AN ORDINANCE VACATING A PORTION OF OCEAN CREST 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, MSGBM, LLC is the owner of Block 587, Lot 16, and has requested that the Township vacate a portion of Ocean Crest 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 Ocean Crest 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 Ocean Crest Avenue,
as shown on Current Municipal Tax Map Sheet No. 29.01
Palermo Section of Township of Upper

Beginning at the Southwesterly corner of Ocean Avenue (40 feet R.O.W.) and Ocean Crest Avenue (40 feet R.O.W.)

Thence #1: Along Block 587, South 48 Degrees 42 Minutes 00 Seconds West, the distance of 240.0 feet to the Northwest Corner of Ocean Crest Avenue and Pacific Avenue.

Thence #2: Across Ocean Crest Avenue, South 86 degrees 18 Minutes 00 Seconds East the distance of 56.56 feet to the Northeasterly corner of Pacific Avenue and Ocean Crest Avenue.

Thence #3: Along Block 586, North 48 Degrees 42 Minutes 00 Seconds

East, the distance of 200.0 feet to the Southeasterly corner of Ocean Crest Avenue and Ocean Avenue.

Thence #4: Across Ocean Crest Avenue, North 41 degrees 18 Minutes 00 Seconds West a distance of 40.00 feet to the point and place 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

CURTIS T. CORSON, JR., 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 11TH DAY OF APRIL, 2022 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 9TH DAY OF MAY, 2022 AT 4:30 P.M. AT THE TOWNSHIP HALL, PETERSBURG, NEW JERSEY, AT WHICH TIME SAID ORDINANCE WAS ADOPTED.

BARBARA L. YOUNG, TOWNSHIP CLERK
TOWNSHIP OF UPPER

Legislative History:

Introduced: April 11, 2022

Publication: April 18, 2022

Newspaper(s): Press of Atlantic City

Second Reading & Public Hearing: May 9, 2022

Final Adoption: May 9, 2022

Final Publication Date: May 12, 2022

I certify that the foregoing Ordinance was finally adopted by the Township Committee of the Township of Upper on May 9, 2022 and notice of adoption was thereafter published pursuant to law in The Press of Atlantic City on May 12, 2022.

BARBARA L. YOUNG, Township Clerk