

**TOWNSHIP OF UPPER  
CAPE MAY COUNTY  
ORDINANCE**

**ORDINANCE NO. 006-2023**

**AN ORDINANCE VACATING A PORTION OF PENNSYLVANIA AVENUE,  
WITHIN THE TOWNSHIP OF UPPER, COUNTY OF CAPE MAY  
AND STATE OF NEW JERSEY**

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**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**, Aaron W. Segin and Olivia F. Greene, the owners of Block 329, Lot 5 and Block 332, Lot 3 (the "Property"), have requested that the Township vacate a portion of Pennsylvania 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 Pennsylvania 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 Pennsylvania Avenue,  
as shown on Current Municipal Tax Map Sheet No. 12.4  
Tuckahoe Section of Township of Upper

- Beginning at the Southeasterly corner of Chaucer Lane (40 feet R.O.W.) and Pennsylvania Avenue (40 feet R.O.W.) and;
- Thence #1: Extending in a Northeasterly direction Along the Northerly line of Pennsylvania Ave and along Block 329 a distance of 450.0 feet to a point, and;
- Thence #2: Across Pennsylvania Avenue a distance of 40 feet to a point in the Southerly line of Pennsylvania Avenue and;
- Thence #3: Extending in a Southwestwardly direction along the Southerly line of Pennsylvania Avenue and along Block 332 a distance of 450.0 feet to

point in the Easterly line of Chaucer Lane and;

Thence #4: Extending Across Pennsylvania Avenue along the Easterly line of Chaucer Lane a distance of 40.0 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.

**SECTION 6:** Aaron W. Segin and Olivia F. Greene, owners of the Property, shall reimburse the Township of Upper for all expenses related to said vacation, including attorneys fees, costs and any recording fees.

ATTEST:

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JOANNE R. HERRON, Township Clerk

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JAY NEWMAN, 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 13<sup>TH</sup> DAY OF MARCH, 2023 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 3<sup>RD</sup> DAY OF APRIL, 2023 AT 6:30 P.M. AT THE TOWNSHIP HALL, PETERSBURG, NEW JERSEY, AT WHICH TIME SAID ORDINANCE WAS ADOPTED.

JOANNE R. HERRON, TOWNSHIP CLERK  
TOWNSHIP OF UPPER

Legislative History:

Introduced: March 13, 2023

Publication: March 20, 2023

Newspaper(s): The Press of Atlantic City

Second Reading and Public Hearing: April 3, 2023

Final Adoption: April 3, 2023

Final Publication Date: April 7, 2023

I certify that the foregoing Ordinance was finally adopted by the Township Committee of the Township of Upper on April 3, 2023 and notice of adoption was thereafter published pursuant to law in the Press of Atlantic City on April 7, 2023.

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JOANNE R. HERRON, Township Clerk