

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
ORDINANCE**

ORDINANCE NO. 007-2023

AN ORDINANCE VACATING OF LANDS, BLOCK 414, LOT 39.12

WHEREAS, Stephen G. Schaffer and Brooke A. Schaffer are the owners of a home on approximately 25 acres known as Block 414, Lot 39.10 on the Tax Map of the Township of Upper (herein after referred to as the “Schaffer Property”);

WHEREAS, adjacent to the Schaffer Property is a 2-acre parcel which is shown on the Upper Township Tax Map Block 414, Lot 39.12 (herein after referred to as the “Vacant Property”);

WHEREAS, the Vacant Property was shown as a dedicated parcel when the previous owners of the Schaffer Property developed in the neighborhood known as Sunset Acres;

WHEREAS, the Vacant Parcel is surrounded entirely by the Schaffer Property and is not used as a public way, and is shown on the Tax Map as an easement dedicated to the Township of Upper;

WHEREAS, as the Vacant Property is not owned by the Township of Upper and there is no public need for it, a request was made by the owners of the Schaffer Property to have the Township of Upper vacate the Vacant Property pursuant to N.J.S.A 40:67-19;

WHEREAS, the owners of the Schaffer Property agreed to reimburse the Township of Upper for all expenses related to said vacation, including attorneys fees, costs and any recording fees;

WHEREAS, this request has been reviewed by the Township Engineer who has determined that it would be in the best interest of the Township to grant this request.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Upper in the County of Cape May and the State of New Jersey as follows:

SECTION 1. The public right, title and interest in the Vacant Property as described on the attached Schedule A is hereby vacated, surrendered and extinguished.

SECTION 2. Nothing contained herein shall be deemed to vacate, surrender or extinguish any right or privilege of the Township of Upper to any easements which it has, whether or not of record, or of any public utility, as defined in N.J.S.A. 48:2-13, and any cable television company, as defined in N.J.S.A. 48:5A-1, et seq. to maintain, repair and replace their existing facilities in, adjacent to, over and under the street herein vacated, or any part or parts thereof.

SECTION 3. This Ordinance shall take effect immediately upon the following publication as required by law.

SECTION 4: All Ordinances or parts of Ordinances inconsistent herewith are hereby replaced repealed to the extent of such inconsistency only.

SECTION 5: 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 6: The owners of the Schaffer Property shall reimburse the Township of Upper for all expenses related to said vacation, including attorneys fees, costs and any recording fees.

ATTEST:

JOANNE R. HERRON, Township Clerk

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 13TH 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 3RD 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 21, 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.

JOANNE R. HERRON, Township Clerk