

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

ORDINANCE NO. 010-2026

**AN ORDINANCE VACATING THE PAPER STREET KNOWN AS BAILEY ROAD,
AKA WOODS ROAD OR OLD TURNPIKE ROAD, SITUATED WITHIN
BLOCK 414, LOTS 4.02 AND 40, 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, Christian Pittman, the owner of Block 414, Lots 4.02 and 40, has requested that the Township vacate the paper street known as Bailey Road, aka Woods Road or Old Turnpike Road, 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 the paper street known as Bailey Road, aka Woods Road or Old Turnpike Road, 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 land designated on the survey description prepared by George Swensen, PLS, of Cape Land Surveying, LLC dated March 14, 2026, and attached hereto as Exhibit A, is hereby vacated, surrendered and extinguished.

SECTION 2: This Ordinance vacates no portion of the street except that portion set forth and described in Exhibit A.

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: Christian Pittman, owner of the Property, shall reimburse the Township of Upper for all expenses related to said vacation, including attorney's fees, costs and any recording fees.

ATTEST:

JOANNE R. HERRON, Township Clerk

CURTIS T. CORSON, JR., Mayor

CAPE LAND SURVEYING LLC

Professional Land Surveying

Spiegel Professional Plaza, 1217 S. Shore Road, Suite 106

Ocean View, NJ 08230

Phone (609) 390-9618

e-mail: office@capesurvey.com

Being all that certain lot, tract or parcel of land situate in the Township of Upper, County of Cape May and State of New Jersey bound and described as follows:

BEGINNING at a point in division line between Lot 4.02, in Block 414 (Tax Map) and Lot 1, in Block 420 (Tax Map), where said same is intersected by the Northerly line of a dirt road (variable width, 15 feet +/- on average) (said road is commonly known as Bailey Road), said point being South $43^{\circ}14'23''$ East, a total distance of 246.57 feet from the point of intersection of the division line between Lot 4.02 and Lot 4.10, in Block 414 with the division line between Lot 4.02, in Block 414 and the Southwesterly terminus of Washington Avenue (Unimproved/Not Open), as measured along said line between Lot 4.02, in Block 414 and the Southwesterly terminus of Washington Avenue and continuing along the aforementioned division line between Lot 4.02, in Block 414 and Lot 1, in Block 420; and extending thence

1. South $43^{\circ}14'23''$ East, across said Bailey Road and along the aforementioned division line between Lot 4.02, in Block 414 and Lot 1, in Block 420 and continuing along the division line between Lot 4.02, in Block 414 and Lot 1, in Block 421, a distance of 14.85 feet to a point in the Southerly line of said Bailey Road; thence
2. South $71^{\circ}30'23''$ West, along said line of said Road and through Lot 4.02, in Block 414, a distance of 97.92 feet to an angle point in the same; thence
3. South $65^{\circ}43'07''$ West, along the same and through the same, a distance of 94.86 feet to an angle point in the same; thence
4. South $62^{\circ}32'37''$ West, still along the same and through the same, a distance of 135.46 feet to an angle point in the same; thence
5. South $68^{\circ}49'43''$ West, still along the same and through the same, a distance of 134.54 feet to an angle point in the same; thence
6. South $69^{\circ}56'17''$ West, still along the same and through the same, a distance of 234.33 feet to an angle point in the same; thence
7. South $74^{\circ}25'37''$ West, still along the same and through the same, a distance of 101.58 feet to an angle point in the same; thence
8. South $81^{\circ}53'50''$ West, still along the same and through the same, a distance of 102.29 feet to an angle point in the same; thence
9. South $75^{\circ}05'05''$ West, still along the same and through the same, a distance of 70.89 feet to an angle point in the same; thence
10. South $65^{\circ}59'54''$ West, still along the same and through the same, a distance of 60.83 feet to an angle point in the same; thence
11. South $58^{\circ}11'28''$ West, still along the same and through the same, a distance of 65.41 feet to an angle point in the same; thence

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12. South 67°24'31" West, still along the same and through the same, a distance of 311.14 feet to an angle point in the same; thence
13. South 59°49'09" West, still along the same and through the same, a distance of 84.47 feet to an angle point in the same; thence
14. South 54°21'46" West, still along the same and through the same, a distance of 111.63 feet to an angle point in the same; thence
15. South 59°12'07" West, still along the same and through the same, a distance of 63.79 feet to an angle point in the same; thence
16. South 68°42'04" West, still along the same and through the same, a distance of 60.37 feet to an angle point in the same; thence
17. South 67°53'25" West, still along the same and through the same and continuing through Lot 40, in Block 414, a total distance of 49.94 feet to an angle point in the same; thence
18. South 60°09'45" West, still along said line of said Road and through Lot 40, in Block 414, a distance of 76.28 feet to an angle point in the same; thence
19. South 48°14'45" West, still along the same and through the same, a distance of 55.28 feet to a point of curvature in the same; thence
20. Southwesterly and Southerly, still along the same and through the same, a distance of 175.70 feet along a curve concave to the southeast, having a radius of 245.03 feet and a central angle of 41°05'07" to a point of reverse curvature in the same; thence
21. Still along the same and through the same, along a curve concave to the Northwest having a radius of 113.51 feet and a central angle of 25°54'22" and being subtended by a chord which bears South 28°01'35" West 50.89 feet; thence Southerly and Southwesterly along said curve, a distance of 51.32 feet to a point of compound curvature in the same; thence
22. Still along the same and through the same, along a curve concave to the Northwest having a radius of 117.23 feet and a central angle of 15°05'37" and being subtended by a chord which bears South 58°48'48" West 30.79 feet; thence Southwesterly along said curve, a distance of 30.88 feet to a point in the Southeasterly line of Mount Pleasant – Tuckahoe Road (County Route 664) (20 feet from the original centerline thereof); thence
23. North 07°28'23" East, along said line of said Mount Pleasant – Tuckahoe Road, a distance of 69.12 feet to a point in the Northerly line of said Bailey Road; thence
24. Along said Northerly line of said Bailey Road and through aforementioned Lot 40, in Block 414, along a curve concave to the Northeast having a radius of 27.83 feet and a central angle of 27°40'34" and being subtended by a chord which bears South 49°51'35" East 13.31 feet; thence Southeasterly along said curve, a distance of 13.44 feet to a point of compound curvature in the same; thence
25. Still along the same and through the same, along a curve concave to the North having a radius of 6.06 feet and a central angle of 71°15'19" and being subtended by a chord which bears North 87°52'21" East 7.06 feet; thence Southeasterly, Easterly and Northeasterly along said curve, a distance of 7.53 feet to a point of tangency in the same; thence

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26. North 15°26'01" East, still along the same and through the same, a distance of 7.26 feet to a point of curvature in the same; thence
27. Northerly and Northeasterly, still along the same and through the same, a distance of 181.09 feet along a curve concave to the Southeast, having a radius of 344.09 feet and a central angle of 30°09'14" to a point of tangency in the same; thence
28. North 50°29'32" East, still along the same and through the same, a distance of 61.56 feet to an angle point in the same; thence
29. North 62°39'53" East, still along the same and through the same, a distance of 79.55 feet to an angle point in the same; thence
30. North 66°09'02" East, still along the same and through the same, a distance of 44.66 feet to an angle point in the same; thence
31. North 70°07'03" East, still along the same and through the same, a distance of 63.30 feet to an angle point in the same; thence
32. North 56°40'38" East, still along the same and through the same, a distance of 58.27 feet to an angle point in the same; thence
33. North 54°26'29" East, still along the same and through the same, a distance of 115.45 feet to an angle point in the same; thence
34. North 59°25'22" East, still along the same and through the same, a distance of 87.50 feet to an angle point in the same; thence
35. North 67°10'03" East, still along the same and through the same, a distance of 312.28 feet to an angle point in the same; thence
36. North 58°40'51" East, still along the same and through the same, a distance of 60.43 feet to an angle point in the same; thence
37. North 65°29'07" East, still along the same and through the same, a distance of 65.55 feet to an angle point in the same; thence
38. North 74°49'38" East, still along the same and through the same, a distance of 71.96 feet to an angle point in the same; thence
39. North 80°48'59" East, still along the same and through the same, a distance of 105.28 feet to an angle point in the same; thence
40. North 73°39'54" East, still along the same and through the same, a distance of 98.20 feet to an angle point in the same; thence
41. North 69°29'26" East, still along the same and through the same, a distance of 245.19 feet to an angle point in the same; thence
42. North 71°27'14" East, still along the same and through the same, a distance of 123.97 feet to an angle point in the same; thence
43. North 61°55'02" East, still along the same and through the same, a distance of 144.31 feet to an angle point in the same; thence

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44. North 66°02'00" East, still along the same and through the same, a distance of 85.93 feet to an angle point in the same; thence
45. North 72°08'37" East, still along the same and through the same, a distance of 90.52 feet to the POINT OF BEGINNING.

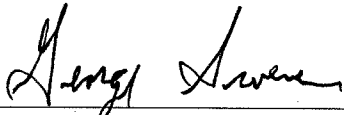
Containing: 31,710 Square Feet more or less.

BEING that section of a Dirt Road of variable width (15 feet +/- on average) (Commonly known as Bailey Road) that is over Lot 4.02 and Lot 40, in Block 414 on the Tax Map of the Township of Upper.

The above description is and is intended to be all of that portion as shown on the Official Tax Map of the Township of Upper. It is further intended that all rights of the public which may exist are to be vacated within the portion of the right-of-way described, reserving there out and therefrom all rights and privileges now possessed by public and private utilities to maintain, repair and replace their existing facilities in, adjacent to, over or under the roadway being vacated, including but not limited to, gas, water, cable, telephone, electric, sanitary sewers, storm sewers and any appurtenances and rights of ingress and egress relating thereto. The description has been prepared in accordance with the map entitled "Bailey Road Detail, Situate in Block 414, Lots 4.02 & 40, Township of Upper, Cape May County, NJ", Prepared by Cape Land Surveying LLC, Dated 1-10-25 and Revised Through 1-24-26.

BEING SUBJECT TO any Easements or Restrictions of record.

Description prepared March 14, 2026.



George Swensen, PLS
NJ License No. GS43415

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 27TH DAY OF APRIL, 2026 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 26TH DAY OF MAY, 2026 AT 5:30 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:

Official Website for Legal Notices: <https://uppertownship.com/legal-notices/>

Introduced: April 27, 2026

Notice of Introduction Posted: April 28, 2026

Second Reading and Public Hearing: May 26, 2026

Final Adoption: May 26, 2026

Notice of Final Adoption Posted: May 27, 2026

I hereby certify that the foregoing Ordinance was finally adopted by the Township Committee of the Township of Upper on May 26, 2026 and the notice of adoption was thereafter posted, pursuant to law, on the official website of the Township of Upper in the section designated for legal notices on May 27, 2026.

JOANNE R. HERRON, Township Clerk