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

ORDINANCE NO. 017-2026

AN ORDINANCE VACATING MUNICIPAL ROADWAYS KNOWN AS MORRIS AVENUE AND NELSON AVENUE, AS WELL AS A PORTION OF LANDIS AVENUE, EACH OF WHICH ARE SITUATED WITHIN THE STRATHMERE SECTION OF 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, whether or not the same, or any portion, has been actually opened or improved; and

WHEREAS, pursuant to a settlement agreement between the Township of Upper and 315 Washington Ave. LLC, related to litigation filed under Docket No.: CPM-L-470-24, the Township has agreed to vacate Morris Avenue, Nelson Avenue, and a portion of Landis Avenue, as shown on the attached Exhibit A, to 315 Washington Ave. LLC, and to pay the costs incurred by the Township to vacate said street including the costs of the revisions to the Township's tax map; and

WHEREAS, the Township Committee has duly considered the matter, and it appearing reasonable for the Township Committee to agree to the vacation of the aforementioned municipal streets pursuant to the terms and conditions of the settlement agreement previously reached between the Township and 315 Washington Ave. LLC;

WHEREAS, it is deemed by the Township Committee to be in the public interest to vacate the aforementioned streets known as Morris Avenue, Nelson Avenue, and a portion of Landis 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 land designated on the survey descriptions prepared by Robert K. Sanchez, P.L.S., of Artheon Engineering Consulting Services, dated September 23, 2026, and attached hereto as Exhibits B-D, are hereby vacated, surrendered, and extinguished by the Township of Upper. Exhibit B identifies the area to be vacated by the Township of Upper along Morris Avenue; Exhibit C identifies the area to be vacated

by the Township of Upper along Nelson Avenue; and Exhibit D identifies the area to be vacated by the Township of Upper along Landis Avenue.

SECTION 2: This Ordinance vacates no portions of the streets except those portions explicitly identified and set forth in the attached Exhibits A-D.

SECTION 3: In the event that the street vacation contemplated herein would landlock any parcel situated adjacent to the streets to be vacated by the Township, 315 Washington Ave. LLC and/or its members and/or related corporate or limited liability company entities agree to provide an access easement to any property owner who would otherwise not have access to their properties as a result of this street vacation.

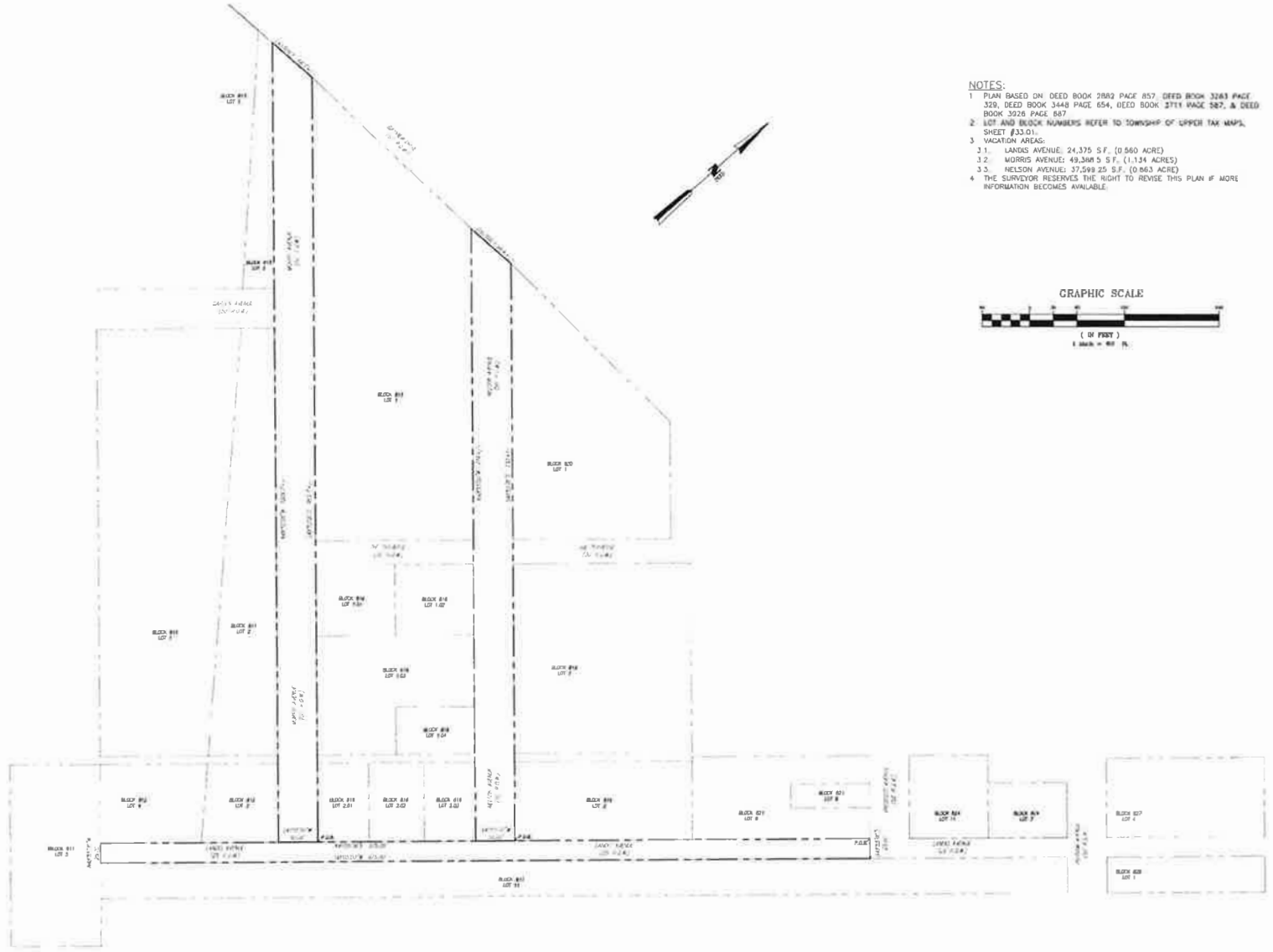
SECTION 4: This Ordinance expressly reserves and excepts from vacation all rights and privileges now possessed by public utilities, as defined in R.S. 48:2-13, and by any cable television company, as defined in the "Cable Television Act", P.L. 1972, c. 186, (C.48:5A-1, et seq.), to maintain, repair, and/or 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 5: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency only.

SECTION 6: This Ordinance shall take effect immediately upon final adoption and publication as required by law.

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 26TH DAY OF OCTOBER, 2026, AT THE TOWNSHIP HALL, AND WILL BE TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE 23RD DAY OF NOVEMBER AT 5:30 P.M. AT THE TOWNSHIP HALL, PETERSBURG, NEW JERSEY.

JOANNE R. HERRON, TOWNSHIP CLERK
TOWNSHIP OF UPPER



NOTES:
1. PLAN BASED ON DEED BOOK 2882 PAGE 857, DEED BOOK 3263 PAGE 329, DEED BOOK 3448 PAGE 654, DEED BOOK 3711 PAGE 587, & DEED BOOK 3928 PAGE 887
2. LOT AND BLOCK NUMBERS REFER TO TOWNSHIP OF UPPER TAX MAPS, SHEET #33.01.
3. VACATION AREAS:
   3.1. LANDIS AVENUE: 24,375 S.F. (0.560 ACRE)
   3.2. MORRIS AVENUE: 49,3MM 5 S.F., (1.134 ACRES)
   3.3. NELSON AVENUE: 37,598.25 S.F. (0.863 ACRE)
4. THE SURVEYOR RESERVES THE RIGHT TO REVISE THIS PLAN IF MORE INFORMATION BECOMES AVAILABLE.

GRAPHIC SCALE

(IN FEET)

No.	DESCRIPTION OF REVISION	DATE	DRAWN	CHECKED
1	REVISE LANDIS AVENUE VACATION	9-17-2025	VC	RKS

ROBERT K. SANCHEZ, PLS, PP, CFS
NEW JERSEY PROFESSIONAL LAND SURVEYOR
N.J. LIC. 43291

ARTHEON
ENGINEERING CONSULTING SERVICES
ENGINEERS OF AUTHORIZATION NO. 24A27967900
1 TOWER CENTER BOULEVARD 20TH FLOOR, EAST BRUNSWICK, NJ 08816
732-727-8000

TOWNSHIP OF UPPER
CAPE MAY COUNTY, NEW JERSEY
STREET VACATION PLAN FOR
LANDIS AVENUE, MORRIS AVENUE & NELSON AVENUE

DRAWN BY	VC
EXHIBIT	QTL
SCALE	1"=60'
CHK'D BY	RKS
DATE	9-23-2025
SHEET NO.	1 OF 1

SUR-1

ARTHEON
BUILT ON LEGACY, DRIVEN BY PURPOSE

3600 Route 66, 3rd Floor
Neptune, NJ 07753
P:732 • 462 • 7400

MORRIS AVENUE TO BE VACATED DESCRIPTION
TOWNSHIP OF UPPER, CAPE MAY COUNTY, NEW JERSEY

ALL THAT CERTAIN tract or parcel of land situate in the Township of Upper, County of Cape May, State of New Jersey, more particularly described as follows:

BEGINNING at a point at the intersection of the Northwesterly line of Landis Avenue (25 feet wide), with the Northeasterly line of Morris Avenue (50 feet wide); thence

1. Along said Northwesterly line of Landis Avenue, South 41 degrees 05 minutes 00 seconds West, a distance of 50.00 feet to a point at the intersection of said line and the Southwesterly line of Morris Avenue (50 feet wide); thence

2. Along said Southwesterly line Morris Avenue, North 48 degrees 55 minutes 00 seconds West, a distance of 1009.7 feet more or less to a point at the intersection of said line and the Southerly line of Bayview Drive (50 feet wide); thence

3. Along said Southerly line of Bayview Drive, Easterly, a distance of 66.5 feet more or less to a point at the intersection of said line and the aforementioned Northeasterly line of Morris Avenue; thence

4. Along said Northeasterly line of Morris Avenue, South 48 degrees 55 minutes 00 seconds East, a distance of 965.7 feet more or less to the point and place of Beginning.

BEING a portion of Morris Avenue (50 feet wide) on the current Tax Maps of the Township of Upper.
CONTAINING 49,388.5 Square feet, 1.13380395 Acres.

Said described lands being subject to easements, restrictions and agreements of record and such facts as may be disclosed in a full and accurate Title Search and Survey into the property-in-question and the immediate adjoiners.

DocSigned by:
RKS
AE7617DD8461415...

Robert K. Sanchez
Professional Land Surveyor
NJ License No. 43294
Project # 115.UP00603.V01
September 23, 2026

ARTHEON
BUILT ON LEGACY, DRIVEN BY PURPOSE

3600 Route 66, 3rd Floor
Neptune, NJ 07753
P:732•462•7400

NELSON AVENUE TO BE VACATED
TOWNSHIP OF UPPER, CAPE MAY COUNTY, NEW JERSEY

ALL THAT CERTAIN tract or parcel of land situate in the Township of Upper, County of Cape May, State of New Jersey, more particularly described as follows:

BEGINNING at a point at the intersection of the Northwesterly line of Landis Avenue (25 feet wide), with the Northeasterly line of Nelson Avenue (50 feet wide); thence

1. Along said Northwesterly line of Landis Avenue, South 41 degrees 05 minutes 00 seconds West, a distance of 50.00 feet to a point at the intersection of said line and the Southwesterly line of Nelson Avenue (50 feet wide); thence

2. Along said Southwesterly line of Nelson Avenue, North 48 degrees 55 minutes 00 seconds West, a distance of 774 feet more or less to a point at the intersection of said line and the Southerly line of Bayview Drive (50 feet wide); thence

3. Along said Southerly line of Bayview Drive, Easterly, a distance of 66.6 feet more or less to a point at the intersection of said line and the aforementioned Northeasterly line of Morris Avenue; thence

4. Along said Northeasterly line of Morris Avenue, South 48 degrees 55 minutes 00 seconds East, a distance of 730 feet more or less to the point and place of Beginning.

BEING a portion of Nelson Avenue (50 feet wide) on the current Tax Maps of the Township of Upper.

CONTAINING 37,599.25 Square feet, 0.86316001 Acres.

Said described lands being subject to easements, restrictions and agreements of record and such facts as may be disclosed in a full and accurate Title Searchsand Survey into the property-in-question and the immediate adjoiners.

DocuSigned by:
RKS
AE7617DD84A1415...

Robert K. Sanchez
Professional Land Surveyor
NJ License No. 43294
Project # 115.UP00603.V01
September 23, 2026

ARTHEON
BUILT ON LEGACY, DRIVEN BY PURPOSE

3600 Route 66, 3rd Floor
Neptune, NJ 07753
P:732•462•7400

BEING A PORTION OF LANDIS AVENUE TO BE VACATED DESCRIPTION
TOWNSHIP OF UPPER, CAPE MAY COUNTY, NEW JERSEY

ALL THAT CERTAIN tract or parcel of land situate in the Township of Upper, County of Cape May, State of New Jersey, more particularly described as follows:

BEGINNING at a point at the intersection of the Northwesterly line of Landis Avenue (25 feet wide), with the Southwesterly of Prescott Avenue (50 feet wide); thence

1. Along said Southwesterly extension line of Prescott Avenue, South 48 degrees 55 minutes 00 seconds East, a distance of 25.00 feet to a point on the Southeasterly line of Landis Avenue and the Northwesterly line of Lot 11 in Block 811; thence

2. Along said Southeasterly line of Landis Avenue, South 41 degrees 05 minutes 00 seconds West, a distance of 975.00 feet to a point on the Northeasterly line of Lot 5, Block 811 (formerly the centerline of Jasper Avenue (50 feet wide) now vacated by Ordinance #009-2013); thence

3. Along said Northeasterly line of Lot 5, Block 811, North 48 degrees 55 minutes 00 seconds West, a distance of 25.00 feet to a point on the Northwesterly line of Landis Avenue (25 feet Wide), said point being the Southerly corner of Lot 4, Block 812; thence

4. Along the Northwesterly line of Landis Avenue, North 41 degrees 05 minutes 00 seconds East, a distance of 975.00 feet to the point and place of Beginning.

BEING a portion of Landis Avenue (25 feet wide) on the current Tax Maps of the Township of Upper.

CONTAINING 24,375 Square feet, 0.560 Acres.

Said described lands being subject to easements, restrictions and agreements of record and such facts as may be disclosed in a full and accurate Title Search and Survey into the property-in-question and the immediate adjoiners.

DocuSigned by:
RKS
AE7617D0B4B1416...

Robert K. Sanchez
Professional Land Surveyor
NJ License No. 43294
Project # 115.UP00603.V01
September 23, 2026