

**TOWNSHIP OF UPPER
2100 TUCKAHOE ROAD
PETERSBURG, NJ 08270
CAPE MAY COUNTY**

NOTICE OF PUBLIC HEARING

**HEARING PURSUANT TO N.J.S.A. 40:60-51.2 REGARDING THE RELEASE AND
TERMINATION OF A RESTRICTIVE COVENANT**

NOTICE IS HEREBY GIVEN that the Township Committee of the Township of Upper, County of Cape May, State of New Jersey, will hold a public hearing on Monday, November 9, 2026, at 5:30 PM at the Upper Township Municipal Building, 2100 Tuckahoe Road, Petersburg, NJ 08270, to consider a proposed Resolution authorizing the release and termination of a restrictive covenant affecting the property described below.

1. DESCRIPTION OF THE LANDS IN QUESTION:

The real property subject to this hearing is located at 828 Stagecoach Road and is identified on the official Tax Map of the Township of Upper as Block 625, Lot 9.

2. RESTRICTIONS TO BE WAIVED, RELEASED, AND TERMINATED:

The Township Committee will consider a request to release and terminate the restrictive covenant prohibiting further subdivision of the land, which was required pursuant to municipal Ordinance No. 005-2007 (adopted March 26, 2007) and formally recorded within the subsequent consolidation deed for the property. The covenant provides as follows:

"It is a requirement of this sale that the purchaser of the subject property be the only contiguous property owner. Said purchaser shall be required to take immediate action to cause a consolidation of the property being purchased with all of the purchaser's existing adjacent lots so as to constitute all such lots in Block 625 as a single parcel of ground which shall not be further subdivided into more than one lot. This restriction shall be included in the deed of conveyance and shall run with the land. The purchaser shall complete the consolidation as a condition of the sale. The provisions of this Section shall survive closing and shall not merge into the Deed."

3. MANNER AND EFFECT OF PROPOSED ACTION:

Pursuant to N.J.S.A. 40:60-51.2, if the proposed Resolution is adopted following the public hearing, the above-referenced restrictive covenant prohibiting further subdivision as specified in said consolidation deed will be released, waived, and discharged. The Township will execute an appropriate Release/Discharge of Restrictive Covenant document to explicitly release this subdivision restriction from the consolidated title record for recording with the Cape May County Clerk.

4. PUBLIC PARTICIPATION:

All interested parties and members of the public will be afforded an opportunity to be heard and to provide comments concerning the proposed release and termination of the restrictive covenant at the time and place stated above.

By Order of the Township Committee
Joanne R. Herron, RMC
Township Clerk