

TOWNSHIP OF UPPER

CAPE MAY COUNTY

ORDINANCE

ORDINANCE NO. 008-2009

**AN ORDINANCE VACATING A PORTION OF THAT PAPER STREET KNOWN AS
ATLANTIC AVENUE, BETWEEN STAGECOACH ROAD AND CHESTNUT AVENUE
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; and

OR **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, Roberta Townsend is the owner of Block 622, Lots 1 to 16 and has requested that the Township vacate a portion of a certain street described in this Ordinance; 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 Atlantic 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
FOR THE VACATION OF A PORTION
OF AN UNIMPROVED STREET, ATLANTIC AVENUE
IN THE TOWNSHIP OF UPPER
COUNTY OF CAPE MAY, AND
STATE OF NEW JERSEY

That portion of Atlantic Avenue extending in a Northwesterly direction from Stagecoach Road (County Road 667) BEGINNING at a point at the intersection of the Northwesterly line of Stagecoach Road and the Southwesterly line of Atlantic Avenue, extending a distance of 202.66 feet in a Northwestwardly direction along the Southwesterly line of Atlantic Avenue to a point at the corner of Lots 8 & 9 in Block 625; then 40 feet in a Northeastwardly direction across Atlantic Avenue to a point at the corner of Lots 8 & 9 in Block 622; then 209.8 feet in a Southeastwardly direction along the Northeasterly line of Atlantic Avenue to the point of intersection of the Northwesterly line of Stagecoach Road and the Northeasterly line of Atlantic Avenue; then extending in a Southwestwardly direction across Atlantic Avenue along the Northwesterly line of Stagecoach Road to the place of beginning; as shown on the current Official Tax Map of The Township of Upper, Cape May County, New Jersey.

SECTION 2: This Ordinance vacates no portion of Atlantic Avenue 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.

ATTEST:

WANDA GAGLIONE, Township Clerk

RICHARD PALOMBO, 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 9th OF MARCH, 2009 AND WILL BE TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER TO BE HELD ON THE 13TH DAY OF APRIL, 2009 AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.

BY ORDER OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER.

WANDA GAGLIONE, TOWNSHIP CLERK
TOWNSHIP OF UPPER

Legislative History:

Introduced: _____

Publication: _____

Newspaper(s): _____

Second Reading & Public Hearing: _____

Final Adoption: _____

Final Publication Date: _____

I certify that the foregoing Ordinance was finally adopted by the Township Committee of the Township of Upper on _____, 2009 and notice of adoption was thereafter published pursuant to law in _____ on _____, 2009.

WANDA GAGLIONE, Township Clerk