

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

ORDINANCE # 2018-15

Title: AN ORDINANCE OF THE TOWNSHIP OF LOWER RELEASING, EXTINGUISHING AND VACATING THE PUBLIC RIGHTS OF A PORTION OF LUCILLE AVENUE

WHEREAS, pursuant to N.J.S.A. 40:67-1(b) and N.J.S.A. 40:67-19, the Township Council of the Township of Lower may, by ordinance, vacate any public street or a portion thereof, dedicated to the Township for public use, but not accepted by the Township, whether or not said street, or any part thereof, has been opened and/or improved; and

WHEREAS, the owners of the property located at 46 Warwick Road, also known as Block 322, Lot 1, have requested that the Township of Lower vacate a portion of Lucille Avenue, described in **Schedule A** which is attached hereto, located in the Township of Lower; and

WHEREAS, Lucille Avenue is an unimproved paper street which has been dedicated for public use but which has not been opened or improved by the Township of Lower; and

WHEREAS, the Township Council has determined that the portion of Lucille Avenue requested to be vacated is unnecessary for public use; and

WHEREAS, the Township of Lower Planning Board, at a meeting on May 17, 2018, recommended that the Township vacate the requested portion of Lucille Avenue.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey as follows:

Section 1. The public right, title and interest in the property described within the attached **Schedule A** is hereby released, extinguished and vacated.

Section 2. Nothing contained herein shall be deemed to vacate, surrender or extinguish any right or privilege of the Township of Lower 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.

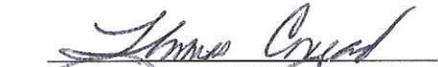
Section 3. At least one (1) week prior to such time fixed for further consideration for final passage of such ordinance, a copy thereof, together with a notice of the introduction thereof, and the time and place when and where the ordinance will be further considered for final passage, shall be mailed to every person whose lands may be affected by the ordinance or any assessment which may be made in pursuance thereof, so far as the same may be ascertained, directed to his or her last known post-office address in accordance with the provisions of N.J.S.A. 40:49-6.

Section 4. The Township Clerk shall, within sixty (60) days of the effective date of this Ordinance, file a copy of this Ordinance, certified by her, under the seal of the municipality, to be a true copy of this Ordinance, together with a copy of the proof of publication thereof, in the office of the Clerk of the County of Cape May in accordance with N.J.S.A. 40:67-21.

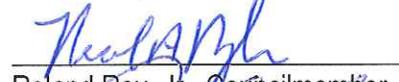
Section 5. All other Ordinances that in conflict or are inconsistent with this Ordinance are hereby repealed, to the extent of such inconsistency.

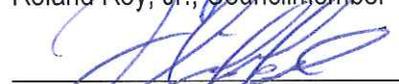
Section 6. Should any section, paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

Section 7. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.


Thomas Conrad, Councilmember


David Perry, Councilmember

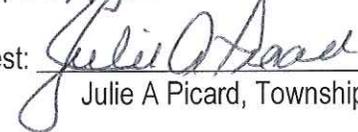

Roland Roy, Jr., Councilmember


Frank Sippel, Deputy Mayor


Erik Simonsen, Mayor

First Reading: August 6, 2018

Adopted: August 20, 2018

Attest: 
Julie A Picard, Township Clerk

van note - harvey
ASSOCIATES, INC.

211 Bayberry Drive, Suite 2-E
Cape May Court House, New Jersey 08210
609-465-2600 Fax: 609-465-8028
NJ Authorization #24GA28271300

www.vannoteharvey.com



Since 1894

Description for
Vacation of a portion of
LUCILLE AVENUE
Between Warwick Road and Victoria Avenue
Lower Township
Cape May County – New Jersey

July 17, 2018

File #: 43810-100-11

BEGINNING at the intersection of the southwesterly side of Warwick Road as laid out thirty (30) feet in width with the southwesterly side of Lucille Avenue as laid out thirty (30) feet in width and from said intersection running,

1. South twenty-three degrees twenty-seven minutes forty-seven seconds East (S 23° 27' 47" E) thirty-two and five hundredths (32.05) feet, along a transition line, crossing Lucille Avenue, as laid out thirty (30) feet in width, from the aforesaid southwesterly side of Warwick Road, as laid out thirty (30) feet in width to the southwesterly side of Warwick Road, as laid out fifty (50) feet in width, being also the southeasterly side of Lucille Avenue, as laid out thirty (30) feet in width; thence,
2. South forty-five degrees fifty-four minutes fifty seconds West (S45° 54' 50" W) one hundred and no hundredths (100.00) feet along the southeasterly side of Lucille Avenue to the northeasterly side of Victoria Avenue, as laid out ten (10) feet in width; thence,
3. North forty-four degrees five minutes ten seconds West (N44° 05' 10" W) thirty and no hundredths (30.00) feet to the northwesterly side of Lucille Avenue aforesaid; thence,
4. North forty-five degrees fifty-four minutes fifty seconds East (N45° 54' 50" E) one hundred eleven and twenty-nine hundredths (111.29) feet along the northwesterly side of Lucille Avenue aforesaid to the intersection at the place of beginning.

CONTAINING within the above described bounds 3,169 square feet.

It is the intention of this description to describe that portion of Lucille Avenue (30' wide) between Victoria Avenue (10' wide) and Warwick Road (30' wide & 50' wide) as the same is shown on a certain map titled "Wildwood Villas, Section 8, Lower Township,

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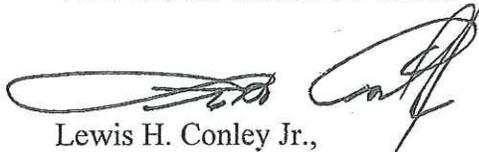
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Cape May County, New Jersey” prepared by O. M Corson, PE & LS and filed in the office of the Cape May County Clerk on December 9, 1952 as Map No. 443

Prepared and approved by:

VAN NOTE-HARVEY ASSOCIATES



Lewis H. Conley Jr.,
Professional Land Surveyor
New Jersey License Number 21212

LHC:lhc

TOWNSHIP OF LOWER

2600 Bayshore Road
Villas, New Jersey 08251



Incorporated 1798

(609) 886-2005

MEMORANDUM

TO: Julie Picard,
Township Clerk

FROM: Bill Galestok, PP, AICP
Lower Township
Planning Board Secretary

DATE: May 18, 2018

RE: Proposed Vacation of
Lucille & Victoria Avenues

The Planning Board, at their duly held regular meeting, on May 17, 2018, voted to recommend vacation of the above referenced Lucille and Victoria Avenues as detailed in the Van Note Harvey correspondence from Lewis Conley, Jr. PLS and PP, dated May 1, 2018.

Thank you.

WJG:las