

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

ORDINANCE #2019-11

Title: AN ORDINANCE OF THE TOWNSHIP OF LOWER VACATING, SURRENDERING, AND EXTINGUISHING THE PUBLIC RIGHTS OF A PORTION OF CEDAR 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 161 Fishing Creek Road, also known as Block416 , Lot 3, have requested that the Township of Lower vacate a portion of Cedar Avenue, described in **Schedule A** which is attached hereto, located in the Township of Lower; and

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

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

WHEREAS, the Lower Township Public Works Department, Police Department, MUA, Assessor, and Planning Department have indicated that they have no objections to the requested street vacation.

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 vacated, surrendered, and extinguished.

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. It shall be the responsibility of the requestor to ensure that the Cape May County Clerk's Office records the vacation set forth herein.

Section 6. All other Ordinances that in conflict or are inconsistent with this Ordinance are hereby repealed, to the extent of such inconsistency.

Section 7. 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 8. This Ordinance shall take effect twenty (20) days after final passage and publication as provided by law.



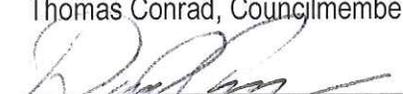
Erik Simonsen, Mayor



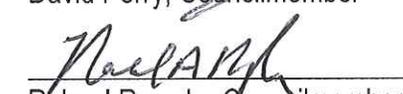
Frank Sippel, Deputy Mayor



Thomas Conrad, Councilmember



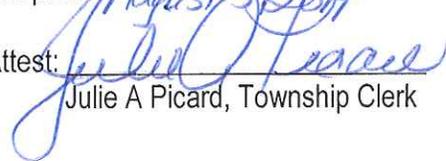
David Perry, Councilmember

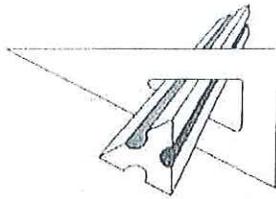


Roland Roy, Jr., Councilmember

First Reading: July 15, 2019

Adopted: 

Attest: 
Julie A Picard, Township Clerk



Dante Guzzi Engineering Associates, L.L.C.

CIVIL	SURVEY	MUNICIPAL	ENVIRONMENTAL
<input type="checkbox"/> 418 Stokes Road • Medford, New Jersey 08055 • (609) 654-4440 • Fax: (609) 654-7792			
<input type="checkbox"/> 203 South Main Street • Cape May Court House, NJ 08210 • (609) 465-3333 • Fax: (609) 465-3357			

**DEED VACATING
NORTHERLY ONE HALF of CEDAR AVENUE
TOWNSHIP of LOWER, CAPE MAY COUNTY, NEW JERSEY**

ALL THAT CERTAIN tract or parcel of land situate in the Township of Lower, County of Cape May, State of New Jersey, shown as Cedar Avenue on the Tax Map of the Township of Lower, Cape May County, New Jersey, more particularly described as follows:

BEGINNING at the point of intersection of the northeasterly side of Fishing Creek (40 feet wide) Road with the centerline of Cedar (35 feet wide) Road, unimproved; thence

1. Along the northeasterly side of Fishing Creek Road, North 33 degrees 00 minutes 00 seconds West, a distance of 17.58 feet to a point, the intersection of the northeasterly side of Fishing Creek Road with the northwesterly side of Cedar Avenue, a corner to Lot 3, Block 416; thence

2. Along the lands of Lot 3, Block 416, and the northwesterly side of Cedar Avenue, North 51 degrees.30 minutes 00 seconds East, a distance of 211.57 feet to a point, a corner to Lot 1, Block 419; thence

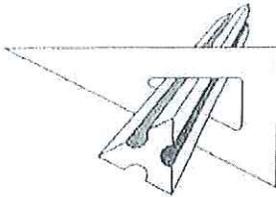
3. Through the existing right-of-way of Cedar Avenue, South 33 degrees 00 minutes 00 seconds East, a distance of 17.58 feet to a point on the centerline of Cedar Avenue; thence

4. Along the centerline of Cedar Avenue, South 51 degrees 30 minutes 00 seconds West, a distance of 211.57 feet to the northeasterly side of Fishing Creek Road and the point of Beginning.

CONTAINING 3,702 Square Feet of land.

BEING the northerly one half of Cedar Avenue, unimproved, abutting and to become a part of Block 416 Lot 3 on the current Tax Maps of the Township of Lower.

Steven C. Woodrow
Professional Land Surveyor
NJ License No. 27514
(October 10,2018)
DGEA Proj# C-18-015



Dante Guzzi Engineering Associates, L.L.C.

CIVIL SURVEY MUNICIPAL ENVIRONMENTAL

418 Stokes Road • Medford, New Jersey 08055 • (609) 654-4440 • Fax: (609) 654-7792
 203 South Main Street • Cape May Court House, NJ 08210 • (609) 465-3333 • Fax: (609) 465-3357

**DEED VACATING
SOUTHERLY ONE HALF of CEDAR AVENUE
TOWNSHIP of LOWER, CAPE MAY COUNTY, NEW JERSEY**

ALL THAT CERTAIN tract or parcel of land situate in the Township of Lower, County of Cape May, State of New Jersey, shown as Cedar Avenue on the Tax Map of the Township of Lower, Cape May County, New Jersey, more particularly described as follows:

BEGINNING at the point of intersection of the northeasterly side of Fishing Creek (40 feet wide) Road with the centerline of Cedar (35 feet wide) Road, unimproved; thence

1. Along the centerline of Cedar Avenue, North 51 degrees 30 minutes 00 seconds East, a distance of 212.61 feet to a point; thence
2. Still along the centerline of Cedar Road, North 55 degrees 43 minutes 45 seconds East, a distance of 21.60 feet to a point; thence
3. Through the existing right-of-way of Cedar Avenue, South 34 degrees 58 minutes 15 seconds East, a distance of 17.50 feet to a point on the southeasterly side of Cedar Road, unimproved, and a corner to Lots 1 and 3.05, Block 417; thence
4. Along the lands of Lot 1, Block 417, and the southeasterly side of Cedar Avenue, South 55 degrees 43 minutes 45 seconds West, a distance of 21.16 feet to a point; thence
5. Still along the lands of Lot 1, Block 417 and the southeasterly side of Cedar Road, South 51 degrees 30 minutes 00 seconds West, a distance of 213.65 feet to a point on the northeasterly side of Fishing Creek Road and a corner to Lot 1, Block 417; thence
6. Along the northeasterly side of Fishing Creek Road, North 33 degrees 00 minutes 00 seconds West, a distance of 17.58 feet the centerline of Cedar Avenue and the point of Beginning

CONTAINING 4,102 Square Feet of land.

BEING the southerly one half of Cedar Avenue, unimproved, abutting and to become a part of Block 417 Lot 1 on the current Tax Maps of the Township of Lower.

Steven C. Woodrow
Professional Land Surveyor
NJ License No. 27514
(October 10, 2018)
DGEA Proj# C-18-015