

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

ORDINANCE NO. 2015-11

AN ORDINANCE OF THE TOWNSHIP OF LOWER VACATING A PORTION OF  
OAK AND PINE AVENUES

WHEREAS, the owners of property known as Block 629 and Block 630, located at 3806 and 3816 Bayshore Road, have requested that the Township vacate a portion of Oak and Pine Avenues in the Township of Lower; and

WHEREAS, the Township's Planning Board, at a meeting on July 2, 2015, voted in favor of the requested street vacation.

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

**Section 1.** The public right, title and interest in the property described on the attached Schedule A and Schedule B 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**Section 3.** All other Ordinances in conflict or inconsistent with this Ordinance are hereby repealed, to the extent of such inconsistency.

**Section 4.** 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 5.** Upon final passage and publication according to law, a copy of the Ordinance shall forthwith be certified by an appropriate officer of the Township of Lower and filed with the Secretary of State.

**Section 6.** This Ordinance shall take effect twenty (20) days after final passage and publication as provided by law.

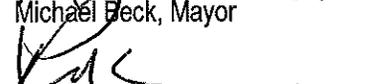
Attest:

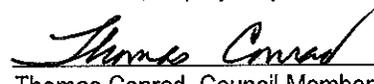


Adopted:

Oct. 19, 2015

  
Michael Beck, Mayor

  
Norris Clark, Deputy Mayor

  
Thomas Conrad, Council Member

  
Erik Simonsen, Council Member

  
David Perry, Council Member

## SCHEDULE A

### DESCRIPTION OF PROPERTY

**Beginning** at a point in the Southeasterly side of Howland Avenue, as laid out 60 feet in width, where the same is intersected by the Southwesterly side of Oak Avenue, as laid out 60 feet in width, said intersection being located four hundred and no hundredths (400.00) feet northeastwardly, from the northeasterly side of Holmes Avenue, as laid out 60 feet in width, along the side of Howland Avenue aforesaid; and from said beginning point extending:

1. North One degree forty-four minutes forty-three seconds East (N 01° 44' 43" E) sixty and no hundredths (60.00) feet to the northeasterly side of Oak Avenue, thence;
2. South Eighty-seven degrees fifty minutes sixteen seconds East (S 87° 50' 16" E) one hundred five and ninety-four hundredths (105.94) feet along the northeasterly side of Oak Avenue aforesaid, thence;
3. South two degrees nine minutes forty-four seconds West (S 02° 09' 44" W) sixty and no-hundredths (60.00) feet to the southwesterly side of Oak Avenue aforesaid, thence;
4. North Eighty-seven degrees fifty minutes sixteen seconds West (N 87° 50' 16" W) One hundred five and five tenths (150.50) feet along said side of Oak Avenue to its' intersection with the southeasterly side of Howland Avenue aforesaid and place of beginning.

**Containing** within the above described area to be vacated 6,343 square feet

**It is the intention of this description** to vacate the 60 feet wide Oak Avenue from the southeasterly side of Howland Avenue to the rear line of lots fronting on Bayshore Road as the same is shown on sheet number 6.07 of the Official Tax Map of Lower Township.

**Pursuant to the Public Laws of 1977, Chapter 157 (NJSA 46:15-2.1)**, the above described premises being also known as Oak Avenue between Block 629 and Block 630 as the same is shown on Sheet No. 6.07 of the Official Tax map of Lower Township.

**All of the above** being more particularly shown on "Plan of Vacation of Oak Avenue between Blocks 629 & 630, Tax Map Nos., Lower Township, Cape May County, N.J." prepared by Van Note-Harvey Associates, Consulting Engineers, Planners and Land Surveyors, 211 Bayberry Drive, Suite 2-E, Cape May Court House, New Jersey, 08210, Dated July 6, 2015 and unrevised.

## SCHEDULE B

### DESCRIPTION OF PROPERTY

**Beginning** at a point in the Northwesterly side of Bayshore Road, as laid out 49.5' in width, where the same is intersected by the Northeasterly side of Pine Avenue, as laid out 35' in width, (unimproved) said point being situate southwestwardly two hundred ten and no hundredths (210.00) feet, along said side of Bayshore Road from the Southwesterly side of Town Bank Road, as laid out 49.5' in width; and from said beginning point extending;

1. South Two degrees nine minutes forty-four seconds West (S 02° 09' 44" W) thirty-five and no hundredths (35.00) feet along side of Bayshore Road to the southwesterly side of Pine Avenue, thence;
2. North Eighty-seven degrees fifty minutes sixteen seconds West (N 87° 50' 16"W) two hundred seventeen and fifty-four hundredths (217.54) feet to the southeasterly line to Howland Avenue, as laid out 60' in width, thence;
3. North One degree forty-four minutes forty-three seconds West (N 01° 44' 43" E) thirty-five and no-hundredths (35.00) feet, along said side of Howland Avenue to its' intersection with the Northeasterly side of Pine Avenue aforesaid, thence;
4. South Eighty-seven degrees fifty minutes sixteen seconds East (S 87° 50' 16" E) Two hundred seventeen and seventy-nine hundredths (217.79) feet along said side of Pine Avenue to the place of beginning.

**Containing** within the above described area to be vacated 7,618 square feet

**It is the intention of this description** to vacate all of Pine Avenue, as laid out 35 feet in width, from Bayshore Road, as laid out 49.5' in width to Howland Avenue, as laid out 60' in width, as the same is shown on certain map entitled "Plan of Grand Village" filed in the Office of the Cape May County Clerk on October 9, 1947 as Map No. 310.

**Pursuant to the Public Laws of 1977, Chapter 157 (NJSA 46:15-2.1)**, the above described premises being also known as Pine Avenue between Block 628 and Block 629 as the same is shown on Sheet No. 6.07 of the Official Tax map of Lower Township.

**All of the above** being more particularly shown on "Plan of Vacation of Pine Avenue between Blocks 628 & 629, Tax Map Nos., Lower Township, Cape May County, N.J." prepared by Van Note-Harvey Associates, Consulting Engineers, Planners and Land Surveyors, 211 Bayberry Drive, Suite 2-E, Cape May Court House, New Jersey, 08210, Dated July 6, 2015 and unrevised.