

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

ORDINANCE NO. 2026-07

Title: AN ORDINANCE OF THE TOWNSHIP OF LOWER VACATING, SURRENDERING, AND EXTINGUISHING THE PUBLIC RIGHTS IN 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 any portion thereof, dedicated to the Township for public use but not accepted by the Township, whether or not the street, or any part thereof, has been opened or improved; and

WHEREAS, Dennis Winslow, the owner of the property located at 211 Breakwater Road, has submitted correspondence to the Township of Lower requesting that a limited portion of Cedar Avenue be vacated; and

WHEREAS, the portion of Cedar Avenue that is requested to be vacated is a 35 ft. wide 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 of Lower has determined that the portion of Cedar Avenue requested to be vacated is unnecessary for public use, and the improvement thereof would serve no public purpose given the existence of improved roadways in the surrounding neighborhood; and

WHEREAS, the Lower Township Public Works Department, Police Department, MUA, Assessor, and Planning Department have indicated that they have no objection 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, along, upon, and over the portion of the unimproved paper street known as Cedar Avenue, identified within the Legal Description prepared by Kates Schneider Engineering, LLC dated March 16, 2026, attached hereto as Exhibit A, is hereby vacated, surrendered, and extinguished, and the lands referred to therein shall be held by the owner or owners thereof free and discharged from all public rights as a public street.

**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 any right or privilege of any public utility, as defined in N.J.S.A. 48:2-13, or 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 the time fixed for further consideration and final passage of this Ordinance, a copy thereof, together with a notice of the introduction thereof, and the time and place when and where this 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 the Township Clerk under the seal of the municipality as 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 this Ordinance is properly recorded in the Office of the Cape May County Clerk.

**Section 6.** All ordinances or parts of ordinances in conflict with or 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.



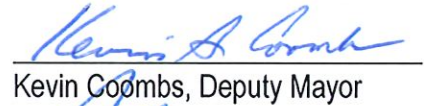
Thomas Conrad, Councilmember



Joseph Wareham, Councilmember



Roland Roy, Jr., Councilmember




Kevin Coombs, Deputy Mayor



Frank Sippel, Mayor

First Reading: April 6, 2025

Adopted: April 20, 2026

Attest:   
Karen Fournier, Township Clerk

**SCHEDULE A**



**Legal Description**  
**Street Vacation of Cedar Avenue**  
**Township of Lower**  
**Cape May County, New Jersey**

Description of a certain tract or parcel of land situated in the Township of Lower, Cape May County, New Jersey, being more particularly described as follows:

BEGINNING at a found concrete monument in the in the Northeasterly line of Pine Street (35 feet wide) where it intersects the Southeasterly line of Cedar Avenue (35 feet wide, Unimproved, to be vacated) as shown on a Survey of Premises/Street Vacation Plan prepared by Kates Schneider Engineering, LLC dated February 13, 2026 and extending thence;

1. North 57 degrees, 00 minutes, 00 seconds East, 200.00 feet along the Southeasterly line of Cedar Avenue (35 feet wide, Unimproved, to be vacated) to a point; thence
2. North 33 degrees, 00 minutes, 00 seconds West, 35.00 feet along the Southwesterly line of Chestnut Street (35 feet wide, Unimproved) to a point; thence
3. South 57 degrees, 00 minutes, 00 seconds West, 200.00 feet along the Northwesterly line of Cedar Avenue (35 feet wide, Unimproved, to be vacated) to a point; thence
4. South 33 degrees, 00 minutes, 00 seconds East, 35.00 feet along the Northeasterly line of Pine Street (35 feet wide) to a point and place of BEGINNING.

Containing an area of +/- 7,000 sf

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Gregory K. Schneider, PE, PLS  
Professional Engineer & Land Surveyor  
New Jersey License No. 42577

3/16/2026  
Date