

# Egg Harbor Township

Ordinance No. 29

2015

AN ORDINANCE TO VACATE A RIGHT OF WAY ON MT. CALVERY AVENUE, DESCRIBED BY METES AND BOUNDS AND LOCATED IN THE TOWNSHIP OF EGG HARBOR, COUNTY OF ATLANTIC AND STATE OF NEW JERSEY

**BE IT ORDAINED**, by the Township Committee for the Township of Egg Harbor, County of Atlantic and State of New Jersey that:

**SECTION 1:** A portion of Mt. Calvery Avenue and all rights-of-ways thereto except those specifically excluded as set forth herein below, be and the same are hereby vacated and all public rights therein are extinguished, all of which is more particularly described on the attached **Exhibit A** which is incorporated herein as though set forth herein at length and on file in the Township Clerk's Office, Township Hall.

**SECTION 2:** The public rights arising from any dedication of the portion of the said street above mentioned and indicated on maps filed in the Office of the Township Clerk and described above, so vacated as aforesaid, be and the same is hereby released and extinguished.

**SECTION 3:** By virtue of N.J.S.A. 40:67-1, as amended, vacation of any street, highway, lane, alley, square, place or park, et cetera, as defined in N.J.S.A. 40:67-1, shall be subject to the express reservation and exception from the vacation of all rights and privileges possessed by public utilities, as defined in N.J.S.A. 40:2-13 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 pursuant to this Ordinance.

**SECTION 4:** The Township Clerk shall immediately, upon final passage and publication of this Ordinance, make and file in the Office of the Clerk of the County of Atlantic a copy of this Ordinance, together with a copy of the proof of publication thereof, duly certified by her, under the corporate seal of the Township of Egg Harbor, for recording as required by law.

**SECTION 5:** All ordinances and parts of Ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

**SECTION 6:** Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

**SECTION 7:** This Ordinance shall become effective immediately upon final adoption and publication according to law.

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED AT A MEETING OF THE TOWNSHIP COMMITTEE OF EGG HARBOR TOWNSHIP, IN THE COUNTY OF ATLANTIC, NEW JERSEY, HELD OCTOBER 21, 2015, WILL BE FURTHER CONSIDERED FOR FINAL PASSAGE AFTER A PUBLIC HEARING THEREON AT A REGULAR MEETING OF SAID TOWNSHIP COMMITTEE TO BE HELD IN THE TOWNSHIP HALL, IN SAID TOWNSHIP ON NOVEMBER 18, 2015, AT 5:30 P.M.

Dated: October 21, 2015

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Eileen M. Tedesco, RMC  
Township Clerk

LEGAL DESCRIPTION  
FOR RIGHT OF WAY VACATION OF MT. CALVERY AVENUE FOR BLOCK 2100 LOT 2  
TOWNSHIP OF EGG HARBOR  
COUNTY OF ATLANTIC, STATE OF NEW JERSEY

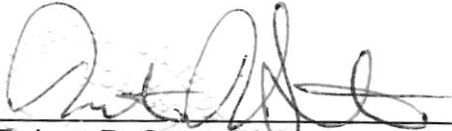
ALL THAT certain tract, piece or parcel of land and premises situate in the Township of Egg Harbor, County of Atlantic and State of New Jersey and being more particularly described as follows:

BEGINNING at a point, said point being at the intersection of the northern right of way line of Mt. Calvery Avenue, the southern boundary line of Lot 2 of Block 2100, and the western right of way line of Spencer Avenue (variable width), as shown on plan entitled "Right - of - Way Vacation Plan Mt. Calvery Avenue" prepared by Stout & Caldwell Engineers, LLC dated 08/17/15; thence

1. Along the western right of way line of Spencer Avenue, South 55 degrees 15 minutes 13.60 seconds West a distance of 13.89 feet to a point; thence
2. Along the centerline of Mt. Calvery Avenue, North 60 degrees 36 minutes 10 seconds West a distance of 582.12 feet to a point; thence
3. Along the eastern boundary line of Lot 3 of Block 2112, North 59 degrees 52 minutes 04.10 seconds East a distance of 14.50 feet to a point; thence
4. Along the southern boundary line of Lot 2 of Block 2100, South 60 degrees 36 minutes 10 seconds East a distance of 579.82 feet to the point and place of BEGINNING.

CONTAINING within said bounds 7,255.87 S.F. (0.17 Acres) of land more or less.

Subject to any and all Restrictions and Easements of Record.

  
Robert R. Stout, PLS  
New Jersey License # 38421

9/4/15  
Date