

CITY OF CAPE MAY, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

ORDINANCE NO. 557-2025

**AN ORDINANCE AUTHORIZING THE GRANT OF A CONSERVATION
RESTRICTION/EASEMENT TO THE NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION (NJDEP) FOR PROPERTY KNOWN AS BLOCK
1000, LOT(S) 60.01, 61.01, 62.01, 63.01, 63.02, 63.03 IN CONNECTION WITH THE
CAPE MAY SEAWALL MADISON TO WILMINGTON AVENUE PROJECT**

WHEREAS, the City of Cape May is the owner in fee simple of certain real property located in the City of Cape May, County of Cape May, New Jersey, designated as Block 1000, Lot(s) 60.01, 61.01, 62.01, 63.01, 63.02, 63.03 on the official Tax Map of the City of Cape May, County of Cape May (the “Property”); and

WHEREAS, the City of Cape May has obtained a Coastal Area Facilities Review (“CAFRA”) Permit, NJDEP File No. 0502-06-0006.15 LUP230001, pursuant to the Coastal Area Facility Review Act, N.J.S.A. 13:19-1, and the Coastal Zone Management Rules, N.J.A.C. 7:7, for a land use development Permit for the Cape May Seawall - Madison to Wilmington Avenue Project and pertaining to the property; and

WHEREAS, the Permit issued to the City is conditioned upon to the following mitigation to compensate for the loss of Critical Wildlife Habitat (CWH) associated with the work authorized by the aforementioned CAFRA permit: The permit requires a proposal of mitigation for direct impacts to CWH. The total amount of mitigation required is 4.16 acres at a 2:1 ratio. Following discussion with NJDEP Bureau of Watershed Management, the above mitigation shall be broken down as follows: (i) 2.83 acres to be planted and covered under the within Conservation Restriction; and (ii) 1.33 acres of mitigation will be provided to the Department by payment in lieu of mitigation (\$41,230); and

WHEREAS, pursuant to N.J.S.A. 40A:12-13(b)(1) and N.J.S.A. 13:8B-3, the City may, by ordinance, sell any real property, capital improvements or personal property or any interest therein not needed for public use at a private sale to any political subdivision, agency, department, commission, board, or body corporate and politic for consideration which may be nominal; and

WHEREAS, the City Council has reviewed the matter and determined that the Properties set forth herein should be encumbered by a Conservation Restriction/Easement to the New Jersey Department of Environmental Protection as part of the plan for the Seawall project; and

WHEREAS, the property without said restriction/easement is not needed for public use as the proposed restrictions will not impair the execution of the Seawall project and will benefit the City of Cape May; and

NOW, THEREFORE BE IT ORDAINED by the City Council of the City of Cape May, County of Cape May, State of New Jersey, as follows:

1. The averments of the preamble are incorporated into this Ordinance.

2. The City Council hereby authorizes the execution and recording of the Conservation Restriction/Easement attached hereto as EXHIBIT A and incorporated herein by reference. The Mayor, City Manager, and all other appropriate City Officials are hereby authorized and directed to execute any documents and take all action necessary to give effect to this Ordinance. The City of Cape May makes no representations with regard to the Property or title. This conveyance is made "as is".

3. The City Clerk is hereby directed to record the Conservation Restriction/Easement and exhibits with the Cape May County Clerk's Office.

4. The City Council further authorizes the payment in lieu of mitigation referenced above and required in connection with the permit.

5. That all ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency. If any section, subsection, paragraph, sentence or any part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance not directly involved in the controversy in which such judgment shall have been rendered.

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

ATTEST:



Erin C. Burke, City Clerk

CITY OF CAPE MAY,
a municipal corporation of the State of New Jersey

BY:



Zachary M. Mullock, Mayor

NOTICE

Ordinance 557-2025 was introduced at a Regular Meeting of the City Council of the City of Cape May on April 1, 2025, and was further considered for final passage during a Regular Meeting of the City Council, held at the Cape May City Hall Auditorium, 643 Washington Street, Cape May, New Jersey, on May 6, 2025 at 5:00 P.M. at which time a Public Hearing was held.



Erin C. Burke, City Clerk

Roll Call	Ayes	Nays	Absent	Abstain	Motion	Second
Meier	X					
McDade	X					X
Bodnar	X					
Baldwin	X				X	
Mullock	X					

Introduced: April 1, 2025

First Publication: April 9, 2025

2nd Reading & Adoption: May 6, 2025

Final Publication: May 14, 2025

Effective Date: June 3, 2025

