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

ORDINANCE NO. 586-2026

ORDINANCE AUTHORIZING CONVEYANCE OF DEEDS OF EASEMENT TO THE COUNTY OF CAPE MAY TO ACCOMMODATE THE DELAWARE AVENUE (COUNTY ROAD 640) REVETMENT PROJECT - BLOCK 1184, LOT 1 & 1.01; BLOCK 1195, LOT 1.01; BLOCK 1206, LOT 1.01; BLOCK 1217, LOT 1.01

WHEREAS, the City of Cape May is the owner of property commonly known as Block 1184, Lot 1&1.01; Block 1195, Lot 1.01; Block 1206, Lot 1.01; Block 1217, Lot 1.01 located in the City of Cape May, County of Cape May, State of New Jersey ("the property"); and

WHEREAS, the property abuts County Road 640 and commonly known as Delaware Avenue; and

WHEREAS, the County of Cape May (the County) is acting as the local sponsor of a federally funded United States Army Corp of Engineers (USACOE) slope stabilization revetment project that will provide needed protection along the northerly side slope of Delaware Avenue. The project consists of the amortization of the existing roadway side slope with a rock revetment which will protect the roadway and adjoining utilities from damaging storms and wave action. As part of the development of the project, the County and USACOE have coordinated with the City to address the protection of both the roadway and city owned utilities; and

WHEREAS, the County has identified the need to secure both temporary and permanent easements for the project for City property that fronts along Delaware Avenue. The temporary easements will remain in effect for only the duration of the construction activity and is intended primarily to afford the contractor the ability to access the proposed construction area in order to construct the revetment. A permanent easement will also be required to be secured from the City for this project. The permanent easement will allow for the constructed revetment improvement to remain in place on City property and will afford the County with the ability to maintain and repair the revetment in perpetuity. The City will retain ownership of the property upon which the revetment is situated, however the county will own and maintain the improvement and will take responsibility for the improvement; and

WHEREAS, the scope of the project and need for both temporary and permanent easements is set forth in a September 18, 2025 letter from the County Engineer Robert G. Church, P.E. to the City Manager attached hereto as EXHIBIT A; and

WHEREAS, the proposed temporary and permanent easements, totaling eight (8) in number and covering the above-referenced parcels, are attached hereto as EXHIBIT B; and

WHEREAS, pursuant to the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq., an Ordinance is required to authorize and approve the attached Deed of Easement; and

WHEREAS, the City Solicitor has reviewed the proposed agreements and Deeds of Easement and indicated approval as to form; and

WHEREAS, the City Council has reviewed the matter and determined that authorizing the Deeds of Easement is in the best interest of the City.

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

SECTION 1. The City is hereby authorized to convey a Deed of Easement to the County of Cape May with respect to real property identified as Block 1184, Lots 1 and 1.01; Block 1195, Lot 1.01; Block 1206, Lot 1.01; and Block 1217, Lot 1.01 on the Official Tax Map of the City of Cape May. Said properties are more particularly described in the Deeds of Easement attached hereto as EXHIBIT B and incorporated herein by reference. Furthermore, in consideration of the mutual promises contained in the easements, the Mayor is hereby authorized to execute the "Easement Donation Concurrence" attached hereto as EXHIBIT A.

SECTION 2. Upon fulfillment and execution of all requirements for the enactment of this Ordinance, the Deeds of Easement shall be returned to the County of Cape May for recording in the Office of the Cape May County Clerk.

SECTION 3. The Mayor and City Clerk are hereby authorized to execute any and all instruments and to take any and all actions necessary to effectuate the purposes of this Ordinance.

SECTION 4. If any article, section, subsection, paragraph, subdivision, or clause of this Ordinance shall be adjudged invalid by a court of competent jurisdiction, such order or judgment shall not affect or invalidate the remainder thereof, and to this end, the provisions of this Ordinance are hereby declared to be severable.

SECTION 5. This Ordinance shall take effect twenty (20) days after final passage and publication according to 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 586-2026 was introduced at a Regular meeting of the City Council of the City of Cape May, held on January 6, 2026 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 February 3, 2026 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: January 6, 2026
1st Publication: January 14, 2026
2nd Reading & Adoption: February 3, 2026
Final Publication: February 11, 2026
Effective Date: March 3, 2026

EXHIBIT A

(September 18, 2025 letter from the County Engineer Robert G. Church, P.E. to the City Manager requesting "Easement Donation Concurrence")

EXHIBIT B

Temporary and Permanent Easements for
Block 1184, Lots 1 and 1.01;
Block 1195, Lot 1.01;
Block 1206, Lot 1.01; and
Block 1217, Lot 1.01