

ORDINANCE NO. 2021-26-OA

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE VACATION OF PORTIONS OF RIVER AVENUE, APPOLONIA AVENUE, STANTON AVENUE, MAGNOLIA AVENUE, ROOSEVELT AVENUE, YODER AVENUE, LAUREL AVENUE, FLORENCE STREET, MARCELL STREET, JOHNSON STREET, MABLE STREET AND MILTON STREET AVENUE

June 28, 2021

WHEREAS, there exists right-of-ways on River Avenue, Appolonia Avenue, Stanton Avenue, Magnolia Avenue, Roosevelt Avenue, Yoder Avenue, Laurel Avenue, Florence Street, Marcell Street, Johnson Street, Mable Street and Milton Street Avenue, on the Berkeley Township Tax Map, County of Ocean, State of New Jersey; and

WHEREAS, in connection with a conservation easement at Toms River Park, the Township Engineer recommends the vacation of portions of River Avenue, Appolonia Avenue, Stanton Avenue, Magnolia Avenue, Roosevelt Avenue, Yoder Avenue, Laurel Avenue, Florence Street, Marcell Street, Johnson Street, Mable Street and Milton Street Avenue, described in Schedule A; and

WHEREAS, N.J.S.A. 40A:12-13(b)(4) authorizes the Berkeley Township Council to extinguish and vacate said portions of the street provided that said action is authorized by Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Berkeley, County of Ocean, State of New Jersey, as follows:

SECTION 1. There is hereby vacated all of the right, title and interest of the public for all public usages and purposes in and to those portions of River Avenue, Appolonia Avenue, Stanton Avenue, Magnolia Avenue, Roosevelt Avenue, Yoder Avenue, Laurel Avenue, Florence Street, Marcell Street, Johnson Street, Mable Street and Milton Street Avenue, as is set forth on Schedule A, attached hereto and made a part hereof. However, the Township does hereby expressly reserve and except from the vacation all rights and privileges now possessed by public utilities, as defined in R.S. 48:2-13, 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, being vacated by the provisions of this ordinance.

SECTION 2. At least one (1) week prior to the time fixed for further consideration for final passage of this ordinance, a copy hereof, together with a notice stating the introduction of the ordinance on first reading and the time and place when and where the ordinance will be considered

for final passage, shall be mailed to every person whose lands may be affected by the adoption of the ordinance.

SECTION 3. This ordinance shall be published at least once in an official newspaper of the Township of Berkeley at least ten (10) days prior to the time fixed for consideration of the final passage of the ordinance.

SECTION 4. The Township Clerk, if this ordinance is adopted on final reading, shall submit a certified copy of this ordinance, together with proof of publication, to the Ocean County Clerk's Office for recording in the Book of Vacations.


SECTION 5. This ordinance shall take effect after second reading and publication as required by law.

SECTION 6. A copy of Schedule A as referenced herein shall be kept on file and made available for public inspection in the Township Clerk's Office during normal business hours.

SECTION 5. A condition of the vacation of the portion of River Avenue, Appolonia Avenue, Stanton Avenue, Magnolia Avenue, Roosevelt Avenue, Yoder Avenue, Laurel Avenue, Florence Street, Marcell Street, Johnson Street, Mable Street and Milton Street Avenue is that this street must be consolidated with the abutting Township owned properties and the Township must execute a full access utility easement in favor of the Berkeley Township Municipal Utilities Authority, if required by same.



CARMEN F. AMATO, JR., Mayor



ANGELO GUADAGNO, Council President
JAMES J. BYRNES, Council Vice President

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed on first reading at a regular meeting of the Township Council of the Township of Berkeley, in the County of Ocean, State of New Jersey, held on June 28, 2021, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 26th day of July, at 6:00 p.m., or as soon thereafter as this matter can be reached, at the meeting room of the Municipal Building located at 627 Pinewald-Keswick Road, Bayville, New Jersey, at which time all persons interested shall be given an opportunity to be heard concerning this ordinance.



BEVERLY M. CARLE, RMC
Township Clerk, Township of Berkeley