

ORDINANCE NO. 24 -44-OA

**AN ORDINANCE OF THE TOWNSHIP OF BERKELEY,
COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING
AND SUPPLEMENTING CHAPTER XVII, ENTITLED "STREETS
AND SIDEWALKS" SO AS TO AMEND VARIOUS SECTIONS**

August 19, 2024

SECTION 1. Chapter 17 of the Township Code of the Township of Berkeley, entitled "Streets and Sidewalks," is hereby amended and supplemented so as to amend §17-2.1, entitled "Application; Fee", which shall now read as follows:

§ 17-2.1. Application; Fee.

Any person who is desirous of applying to the Township for the vacation of any street, highway, right-of-way or other public place, heretofore dedicated to the Township, shall be required to complete a street vacation application, on a form to be promulgated by the Township Clerk, and shall file same with the Township Clerk, together with a fee in the amount of \$1000 which shall be payable to the Township. This fee accounts for the processing, time, and engineering costs incurred by the Township, associated with the request. Should the fee to the Township exceed \$1000, the applicant shall pay the additional amount upon proof of such additional fees. The street vacation application shall call for the following information:

- a. The name, address and telephone number of the person applying for such vacation.
- b. If such person is represented by an attorney, the name, address and telephone number of such attorney or the name, address and telephone number of any other person to be contacted on behalf of the applicant.
- c. The name and a general description of the street, highway, right-of-way or other public place to be vacated.
- d. If the applicant is a corporation, partnership or other entity, the name and address of each person holding an interest of 10% or more of the ownership of such corporation, partnership or other entity.
- e. A list of the lot and block numbers of all properties adjoining and within 200 feet of the area to be vacated, together with a list of the names and addresses of the assessed owners of the properties.
- f. A description of the current use of the area to be vacated.
- g. A description of the applicant's intended use of the area to be vacated.
- h. A description of any improvement on the area to be vacated, including but not limited to paving, gravel, utilities or structures.
- i. The applicant shall furnish with the application a reproduction of the Tax Map, showing the area surrounding the area to be vacated, as well as all intersecting roads and adjoining parcels.

- j. The applicant shall furnish with the application executed forms to be furnished by the Township Clerk, which shall indicate the consent of the owners of each property adjoining the area to be vacated to the proposed vacation.
- k. The application shall be executed by the applicant or the applicant's representative, indicating that the information set forth or attached to the application are true and accurate.
- l. Proof of publication in the legal advertisement section of a daily newspaper with local circulation advising of the request for a vacation, the purpose of the vacation and referral to either the Township Clerk's office or the office of the Township Engineer for submission of comments.
- m. Proof of notification, via certified mail, to all property owners within 200 feet of the area to be vacated advising each owner of the vacation request, the purpose of the vacation and referral to the Township Clerk's office or the office of the Township Engineer for submission of comments with respect to the vacation request.

SECTION 2. Chapter 17 of the Township Code of the Township of Berkeley, entitled "Streets and Sidewalks," is hereby amended and supplemented so as to amend §17-2.4, entitled "Favorable Determination; Additional Fees", which shall now read as follows:

§17-2.4 Favorable Determination; Additional Fees

Where the applicant has been notified that the Township Council has determined to act favorably on the application, the applicant shall forthwith provide the Township Clerk with a metes and bounds description of the area to be vacated, prepared and sealed by a surveyor, and a survey map of the area to be vacated including all properties involved in the vacation, together with such other information as may be requested by the Township Council in its notification to the applicant. In addition, the applicant shall forward the following additional fees to the Township Clerk, which shall be payable to the Township of Berkeley:

- a. The sum of \$350 toward the preparation of the ordinance to be enacted by the Township Council in connection with the proposed vacation.
- b. A sum equal to the fair market value of any Township-owned property to be vacated, as determined by the Tax Assessor.
- c. A sum equal to the costs of advertising such ordinance, which such estimate shall be prepared by the Township Clerk and be made available to the applicant.
- d. A sum equal to the estimated recording costs of the ordinance to be enacted by the Township Council. The Township Clerk shall prepare such estimate and make the same available to the applicant.

The metes and bounds description, as well as all fees listed above, shall be provided to the Township within six months of receipt of notification to the applicant of a favorable application unless extended by the governing body prior to the expiration of the six month period.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.


John A. Bacchione, Mayor


Keith Buscio, Council President


Angelo Guadagno, 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 August 19, 2024, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 16th day of September, 2024, 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.


KAREN STALLINGS, RMC
Township Clerk, Township of Berkeley

AFFIDAVIT OF PUBLICATION

State of New Jersey, County of Hudson, ss:

Yuade Moore, being first duly sworn, deposes and says: That (s)he is a duly authorized signatory of Column Software, PBC, duly authorized agent of The Press of Atlantic City, a newspaper printed and published in the City of Linwood, distributed in the following counties: Atlantic, Camden, Cape May, Cumberland, Gloucester, and Ocean and mailed to various parts of the State of New Jersey, the United States, and foreign countries, does hereby certify that the Notice was published in The Press of Atlantic City on:

PUBLICATION DATES:

Aug. 29, 2024

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PUBLISHER ID: COL7096

NOTICE NAME: 08-19-2024 Introduced Ordinances

Publication Fee: 75.60

All interested parties may rely upon the representations contained herein limited solely to the authenticity of the Notice accompanying this Certification to be an accurate reproduction of the same and the date upon which it was published.

I certify that the foregoing statements made by me are true. I am aware that if any of the foregoing statements made by me are willfully false, I am subject to punishment.

(Signed) Yuade Moore

SHANNEA H HOLMES
NOTARY PUBLIC
STATE OF NEW JERSEY
My Commission Expires August 1, 2026

VERIFICATION

State of New Jersey
County of Hudson

Subscribed in my presence and sworn to before me on this: 08/30/2024

Shanea H. Holmes

Notary Public
Notarized remotely online using communication technology via Proof.

Notice Of Pending Ordinances

08-19-24 Berkeley Township Notice of Pending Ordinances

24-43-0A

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER XXXV, ENTITLED "LAND DEVELOPMENT" SO AS TO AMEND SECTION 35-63.14, ENTITLED "ELECTRIC VEHICLE SUPPLY/SERVICE EQUIPMENT"

24-44-0A

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER XVII, ENTITLED "STREETS AND SIDEWALKS" SO AS TO AMEND VARIOUS SECTIONS

24-45-0A

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING AND SUPPLEMENTING CHAPTER XXXV, ENTITLED "LAND DEVELOPMENT", SO AS TO AMEND VARIOUS SECTIONS OF 35-101

24-46-0A

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE SALE OF BLOCK 946, LOT 4.01 ON THE MUNICIPAL TAX MAP TO THEODORE & SLOANE ZAREMBA IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 40A:12-13 (\$50,000.00)

24-47-0A

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, BERKELEY TOWNSHIP BOARD OF EDUCATION, STATE OF NEW JERSEY AUTHORIZING THE DONATION OF PROPERTY TO THE BERKELEY TOWNSHIP BOARD OF EDUCATION, IN ACCORDANCE WITH N.J.S.A. 40A:12-13

24-48-0A

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE SALE OF Block 951, Lot 16.04 ON THE MUNICIPAL TAX MAP TO 1211 WG LLC IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 40A:12-13 (\$50,000.00)

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 August 19, 2024, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 16 th day of September, 2024 , 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. Copies of the Ordinance will be provided upon request from the Clerk's office at the address above, during regular business hours and can be found online at www.berkeleymunicipal.org

Karen Stallings, RMC
Township Clerk, Township of Berkeley
Printer Fee: \$75.60
Pub Date: August 29th, 2024

Order #: COL7096