

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION OF BLOCK 1013, LOT 2, FROM NICHOL/PAYNE, IN ACCORDANCE WITH N.J.S.A. 40A:12-5(a)(1)

November 20, 2023

WHEREAS, the County of Ocean is currently acquiring property from Nichol/Payne within Berkeley Township; and

WHEREAS, Block 1013, Lot 2 is within the list of lands to be acquired; and

WHEREAS, the County of Ocean has learned Block 1013 Lot 2 is within the Township of Berkeley Right-Of-Way for Everhan Avenue; and

WHEREAS, the County of Ocean has requested the Township of Berkeley accept the donation of Block 1013, Lot 2, as ownership by the Township given the location of the property makes sense; and

WHEREAS, the Township of Berkeley agrees to accept Block 1013, Lot 2 and N.J.S.A. 40A:12-5(a)(1) authorizes a municipality to accept property by the adoption of an ordinance authorizing the acquisition of same.

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

SECTION 1. That the governing body does hereby authorize the acquisition of Block 1013, Lot 2. This property is being acquired by the Township of Berkeley pursuant to N.J.S.A. 40A:12-5(a)(1) by donation from Nichol/Payne.

SECTION 2. That the Mayor and Municipal Clerk are hereby authorized to execute any and all documents necessary for the acquisition of the subject property from Nichol/Payne.

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 All ordinances or parts of ordinances inconsistent herewith are hereby repealed.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

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



CARMEN F. AMATO, JR., Mayor



JOHN BACCHIONE, Council President
KEITH BUSCIO, Council Vice Pres.

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 **November 20, 2023**, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the **18th** day of **December, 2023**, 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 STALLING, RMC
Township Clerk, Township of Berkeley