

ORDINANCE NO. 2023-22-OA

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE VACATION OF PORTIONS OF ADAMS AVENUE (AT THE INTERSECTION OF TIOGA AVENUE AND GRANT CONCOURSE) ABUTTING BLOCK 1009, LOTS 2, 21 & 22, BLOCK 1008, LOTS 10, 19-22

May 15, 2023

WHEREAS, there exists a right-of-way on Adams Avenue (at the intersection of Tioga Avenue and Grant Concourse), Block 1009, Lots 2, 21 & 22, Block 1008, Lots 10, 19-22, on the Berkeley Township Tax Map, County of Ocean, State of New Jersey; and

WHEREAS, the Township Engineer has reviewed the request to vacate portions of Adams Avenue (at the intersection of Tioga Avenue and Grant Concourse), described in Schedule A, provided by the property owner of adjacent property owner, Thomas Makowski, and approves of same; 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 Adams Avenue (at the intersection of Tioga Avenue and Grant Concourse) abutting Block 1009, Lots 2, 21 & 22, Block 1008, Lots 10, 19-22, 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 7. A condition of the vacation of the portion of Adams Avenue (at the intersection of Tioga Avenue and Grant Concourse) is that this street must be consolidated with the property owned by Thomas Makowski.

CARMEN F. AMATO, JR., Mayor

JOHN BACCHIONE, Council President
KEITH BUSCIO, 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 May 15, 2023 and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 19th day of June 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.

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

TOWNSHIP OF BERKELEY
APPLICATION FOR VACATION OF STREET

Bandit0123@aol.com
732 278 4887

Application Fee: \$ 500.00

1. Applicant's name, address, and telephone number:

Thomas Makowski 30 Tioga Ave Bayville NJ 732 2784887

2. Name, address, and telephone number of attorney representing applicant (if applicable) and/or the name, address, and telephone number of any other person to be contacted on behalf of the applicant:

3. Name and a general description of the street, highway, right-of-way or other public place to be vacated:

ADAMS Ave Between Tioga Ave and Grant concourse

4. If applicant is a corporation, partnership, or other entity, the name and address of each person holding an interest of the percent (10%) or more in the ownership of such corporation, partnership, or other entity:

5. List of the lot and block numbers of all property adjoining the area to be vacated, together with a list of the names and addresses of the assessed owners of such adjoining properties:

Block 1009 Lots 1,21,22. Block 1008 Lots 10,19-22
I own both sides Thomas Makowski 30 Tioga Ave
Bayville NJ 08724

6. Description of the current use of the area to be vacated:

Wooded Lot

7. Description of the applicant's intended use of the area to be vacated:

Connection of properties, in future build a garage, I own Both sides of the street

8. Description of any improvement on the area to be vacated including but not limited to paving, gravel, utilities or structures:

Would like to add garage for storage in future.
I Do the Bayville Christmas light show and need more storage.

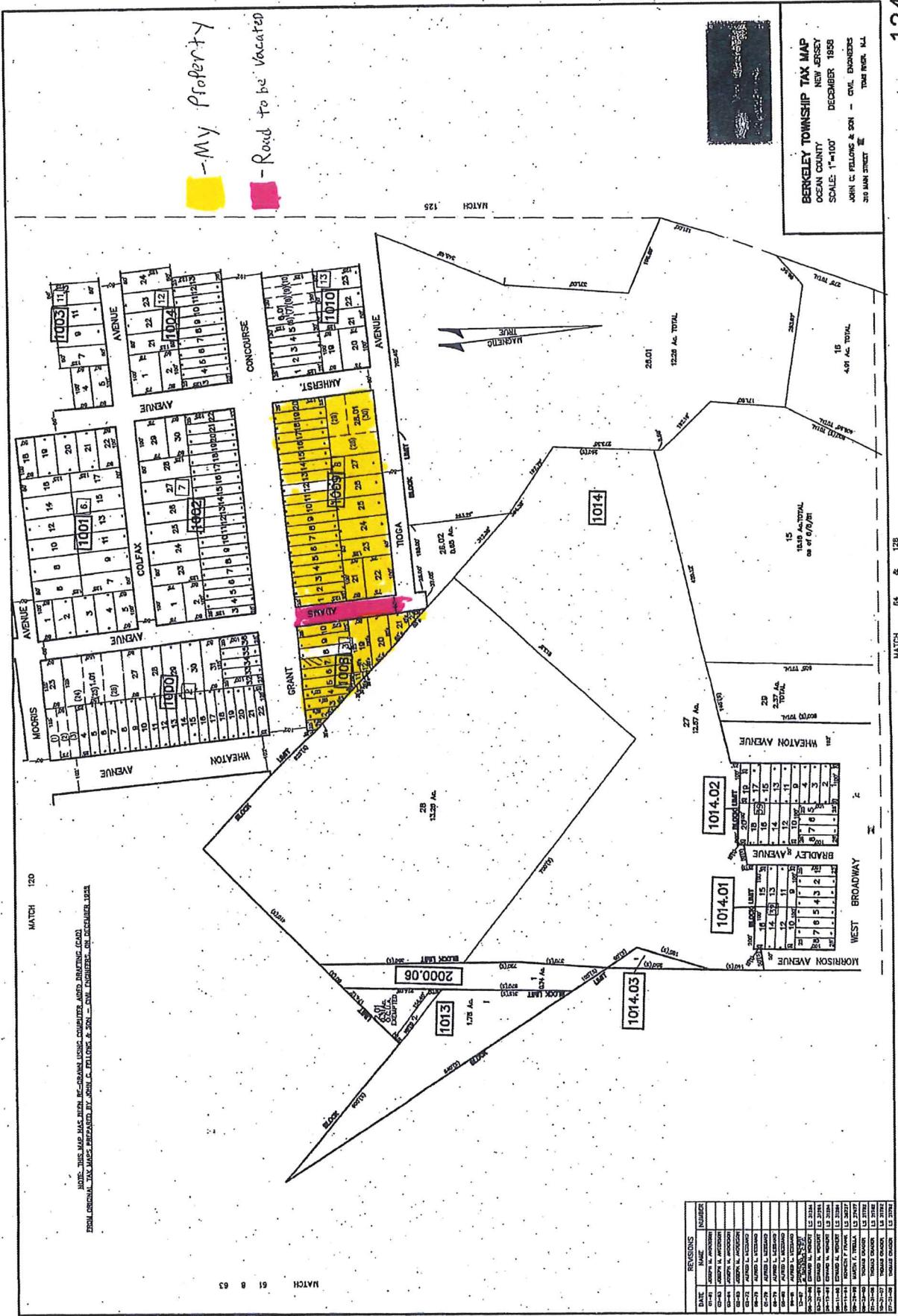
John M. Heath

Signature of Applicant or Applicant's Representative

Date

NOTES:

- (1) Applicant must furnish with this 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. The reproduction may be obtained from the Township Assessor's Office.
- (2) Applicant must also furnish with this application a signed consent form in the attached format from each of the property owners of property adjoining the area to be vacated.
- (3) Applicant agrees to pay all additional fees and expenses as stipulated in the Township's Street Vacation Ordinance.
- (4) Applicant must supply (at the time of application) proof of notification to the property owners within two hundred (200) feet of the area to be vacated. **495 if approved*
- (5) Affidavit of publication from local newspaper must be submitted at the time of application.



Block Lot Oral	Property Location Additional Lot Additional Lot	Property Class	Owner	Address	City, State	Zip Code
			1			
1008 1	GRANT CONCOURSE 2-5,11,12,19-22		MAKOWSKI, THOMAS W JR & P ETAL	30 TIoga Avenue BAYVILLE NJ		08721 ✓
1008 5	GRANT CONCOURSE 7,8		ROMAN, ELIAS C/O PARIS BLAND	299 ROOSEVELT AVE BAYVILLE NJ		08721 ✓
1008 9	GRANT CONCOURSE 10		MAKOWSKI, THOMAS W JR & P ETAL	30 TIoga AVE BAYVILLE NJ		08721 ✓
1009 1	30 TIoga AVE 2-11,13-27		MAKOWSKI, THOMAS W JR & P ETAL	30 TIoga AVE BAYVILLE NJ		08721 ✓
1009 12	GRANT CONCOURSE		MAYER, ALFRED C/O DIETER	322 E 94TH ST NEW YORK NY		10028 ✓
1014 26.01	ROUTE 9		BERKELEY DEVELOPMENT ASSOCIATES LLC	314 RTE 9 S PO BOX 627 FORKED RIVER NJ		08731 ✓
1014 26.02	19 TIoga AVE		TUCKER, CHRISTOPHER	19 TIoga AVE BAYVILLE NJ		08731 ✓
1014 28	GRANT CONCOURSE	1	NICOL, THOMAS B & PAYNE, CAROLYN	6140 N FOUNTAIN LN GARDEN CITY ID		83714282 ✓

BAYVILLE, NEW JERSEY

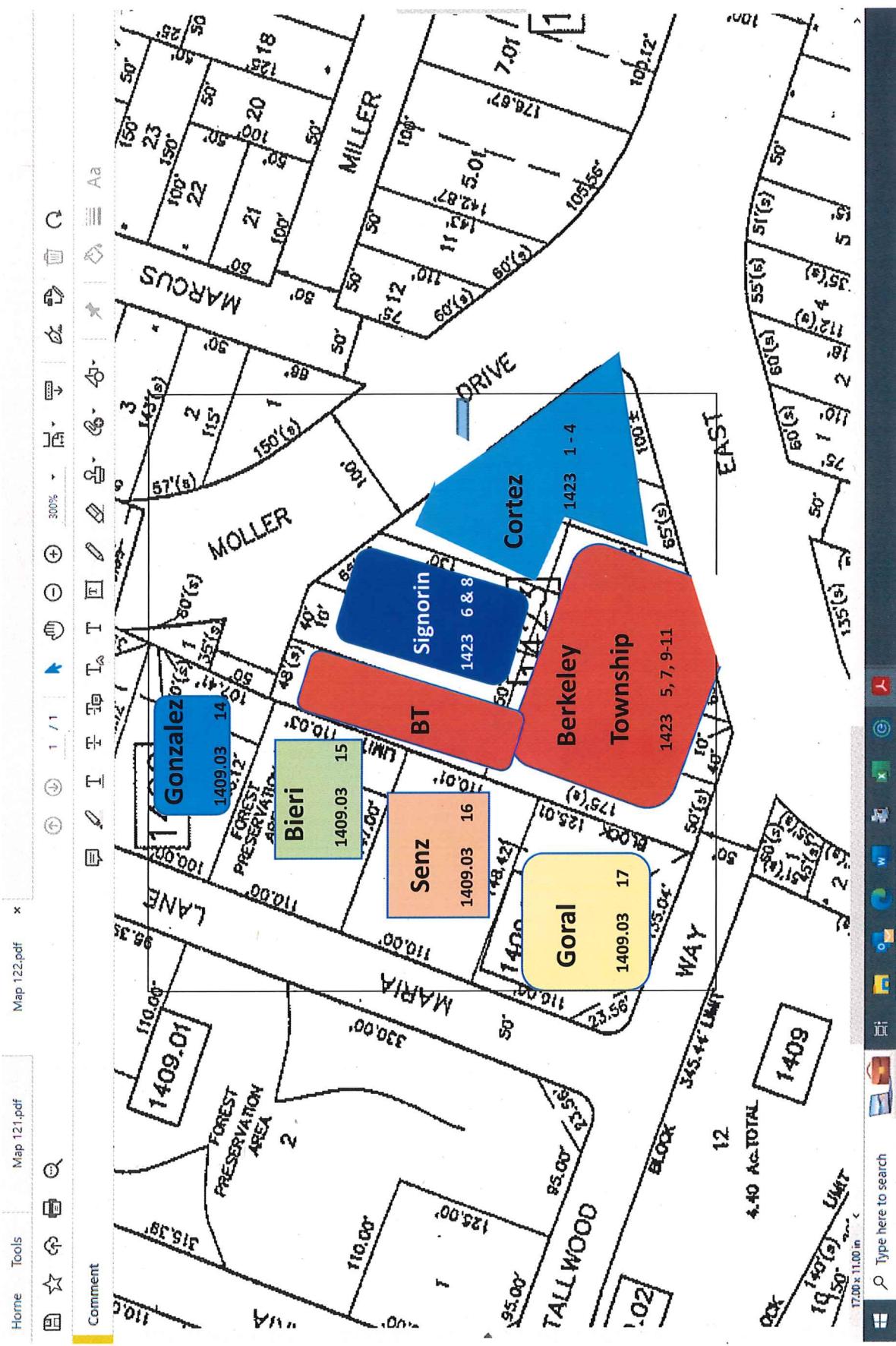
To: All property owners within 200' of a portion of 30 Tioga Ave
Bayville NJ, owner of properties as listed below.

30 Tioga Ave, Berkeley Township, New Jersey Block:1009 Lots: 1-11,
13-30.

Thomas Makowski will be filling an application with the Berkeley
Township Clerk to Vacate the following paper street: Adams Ave
between Tioga ave and Grant Concourse.

The purpose of the vacation is to enlarge the size of the properties
to be used as a bigger yard and future garage for storage.

Any comments should be submitted in writing to the Berkeley
Township Clerks Office Town Hall at 627 Pinewald Keswick Road,
P.O. B, Bayville NJ 08721; (732) 244-7400 within 10 days of this no-
tice.
(\$18.00) (09/22/2021)



Project No. 22043

November 10, 2022

**Metes and Bounds Description
Adams Avenue Street Vacation
Township of Berkeley
Ocean County, New Jersey**

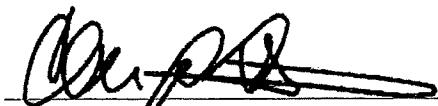
BEGINNING at the point of intersection of the Northerly right of way of Tioga Avenue (50' right of way) and the Easterly right of way of Adams Avenue (50' right of way), point also being the southwesterly property corner of Lot 22, Block 1009 and running thence;

1. Following the said northerly right of Tioga Avenue North 87 degrees 08 minutes 00 seconds West a distance of 50 feet to a point, and running thence;
2. Following the westerly right of way of Adams Avenue along Block 1008 as shown on the Tax Maps of Berkeley Township, North 2 degrees 52 minutes 00 seconds East a distance of 250 feet to a point on the Southerly right of way line of Grant Concourse (100' right of way), and running thence;
3. Following the said southerly right of way of Grant Concourse South 87 degrees 08 minutes 00 seconds East a distance of 50 feet to a point, and running thence;
4. Following the Easterly right of way line of Adams Avenue along Block 1009 as shown on the Tax Maps of Berkeley Township, South 2 degrees 52 minutes 00 seconds West a distance of 250 feet to a point and place of **BEGINNING**.

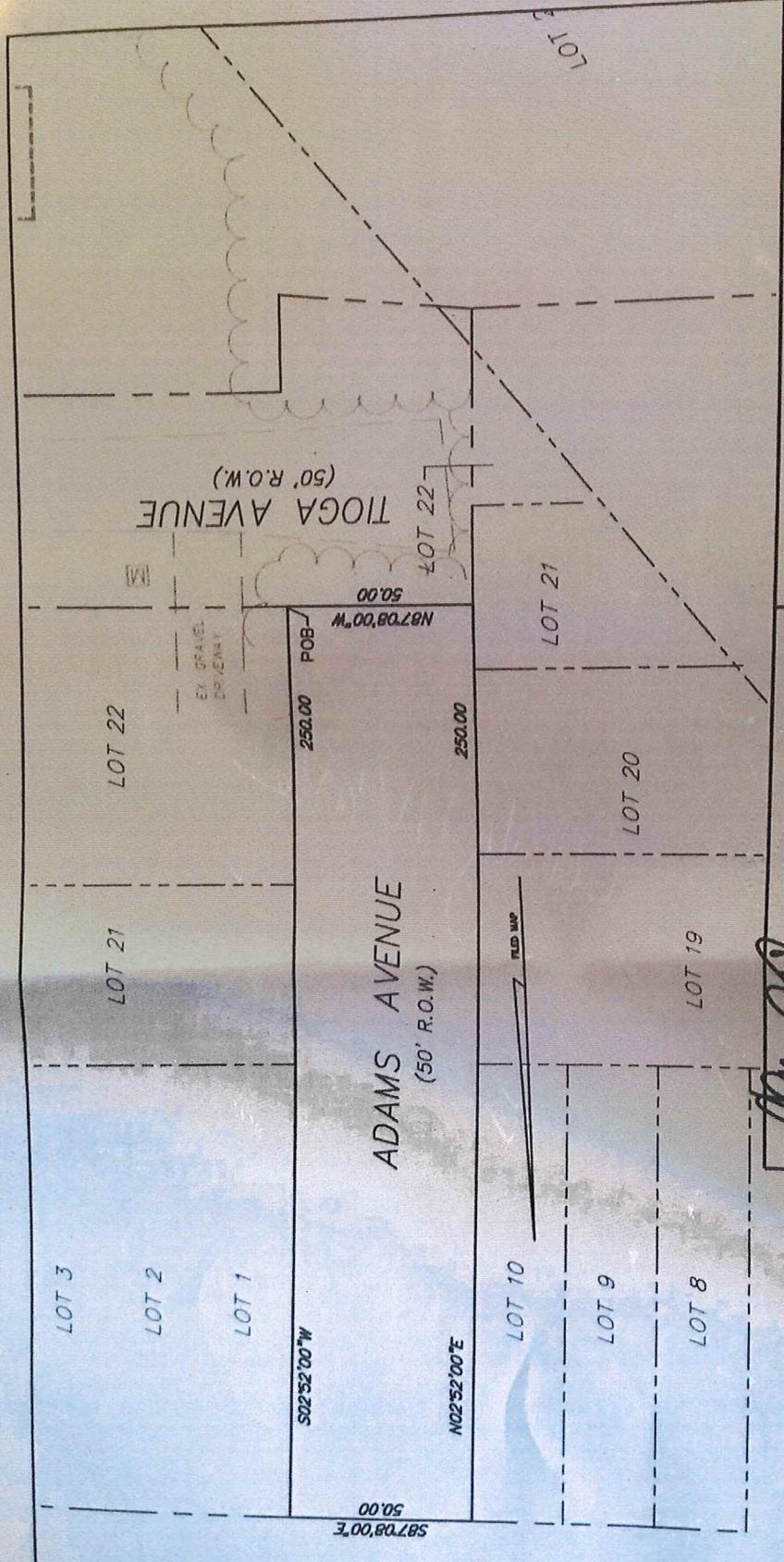
Containing 12,500 SF /0.287 Acres

Being intended to describe a right of way vacation of Adams Avenue between the Northerly Right of Way of Tioga Avenue and the Southerly Right of Way of Grant Concourse as shown on the filed map entitled "Jefferson Subdivision" filed in the Ocean County Clerk's Office on May 10, 1962, as Map Number E-277.

Prepared by:



Edwin J. Hale, PLS



GRANT CONCOURSE

GENERAL NOTES

1. PROPERTY BEING KNOWN AS PORTION OF ADAMS AVENUE
BETWEEN THE NORTHERLY RIGHT OF WAY OF TIGA AVENUE
AND THE SOUTHERLY RIGHT OF WAY OF GRANT CONCOURSE
AS SHOWN ON THE FILED MAP ENTITLED "LEFFERSON SUBDIVISION"
FILED IN THE OFFICE OF THE CLERK OF THE COUNTY OF
SAN JOSE, CALIFORNIA, ON THE 15TH DAY OF NOVEMBER, 1950.

TOWNSHIP OF BERKELEY
OCEAN COUNTY, NEW JERSEY

250' PORTION OF ADAMS AVENUE
BETWEEN TIoga & GRANT CONCOURSE

STREET VACATION PARCEL MAP

201 Main Street, 2nd Floor
Toms River, New Jersey 08753
Phone: 732-818-9980 Fax: 732-818-9981

File No.: 22043 Field Book Sheet No.: 1 of 1

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RECEIPT		DATE <u>11/14/22</u>	No. <u>749843</u>
RECEIVED FROM <u>Thomas Makowski</u>		\$ <u>495.00</u>	
<u>Four Hundred Ninety Five</u>		DOLLARS	
<input type="checkbox"/> FOR RENT <input type="checkbox"/> FOR <u>Ado Fees - Street Vac Bl 1001 Lots 1, 21 & 22</u>		<input type="checkbox"/> CASH <input type="checkbox"/> CHECK <input type="checkbox"/> MONEY ORDER <input type="checkbox"/> CREDIT CARD	
ACCOUNT		FROM	TO
PAYMENT		Adam Ave	
BAL. DUE		BY	<u>AS</u>

Bandit0123@col.com