

ORDINANCE NO. 23-06-OA ³

**AN ORDINANCE OF THE TOWNSHIP OF BERKELEY,
COUNTY OF OCEAN, STATE OF NEW JERSEY
AUTHORIZING THE ACQUISITION OF AN EASEMENT ON
A PORTION OF BLOCK 1547, LOT 31.02, FROM
BERKELEY ISLAND MARINE, IN ACCORDANCE WITH
N.J.S.A. 40A:12-5(a)(1)**

January 23, 2023

WHEREAS, in order to address drainage issues on/near Butler Boulevard, the Township of Berkeley is in need of an Easement at Block 1547, Lot 31.02; and

WHEREAS, Berkeley Island Marine has offered to convey to the Township of Berkeley an Easement of 1800 square feet more or less, comprising a portion of Block 1547, Lot 31.02, as more fully described in Schedule A attached hereto and made a part hereof to allow the Township to conduct a drainage improvement project; and

WHEREAS, 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 an Easement 1800 square feet more or less, comprising a portion of Block 1547, Lot 31.02, as more fully described in Schedule A attached hereto and made a part hereof. This property is being acquired by the Township of Berkeley pursuant to N.J.S.A. 40A:12-5(a)(1) by purchase/donation from Berkeley Island Marine.

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 Berkeley Island Marine.

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 All ordinances or parts of ordinances inconsistent herewith are hereby repealed.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 A. 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 January 23, 2023, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 27th day of February 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