

ORDINANCE NO. 2022-37-OA B

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE DONATION OF AN EASEMENT ON A PORTION OF BLOCK 169.01, LOTS 2 & 3, TO THE OCEAN COUNTY UTILITIES AUTHORITY, IN ACCORDANCE WITH N.J.S.A. 40A:12-1 ET SEQ.

August 22, 2022

**WHEREAS**, the Township of Berkeley is the owner in fee simple of certain real property located in the Township of Berkeley, County of Ocean, New Jersey, designated as Block 169.01, Lots 2 and 3 on the official Tax Map of the Township of Berkeley; and

**WHEREAS**, the Ocean County Utilities Authority, a public utility authority, has requested a Sanitary Sewerage System Easement for an area consisting of 7.40 acres on Block 169.01, Lot 2 and .48 acres on 169.01, Lot 3, which easement area totals 7.88 acres, as more fully described in Schedule A attached hereto and made a part hereof; and

**WHEREAS**, the Township of Berkeley has agreed to grant this Sanitary Sewer and Access Easement to the Ocean County Utilities Authority for the construction, operation and maintenance of its appurtenances; and

**WHEREAS**, N.J.S.A. 40A:12-5 authorizes a municipality to donate property by the adoption of an ordinance authorizing 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 a Sanitary Sewerage System Easement for an area consisting of 7.40 acres on Block 169.01, Lot 2 and .48 acres on 169.01, Lot 3, which easement area totals 7.88 acres, as more fully described in Schedule A attached hereto and made a part hereof. This property is being donated by the Township of Berkeley pursuant to N.J.S.A. 40A:12-5 to The Ocean County Utilities Authority.

**SECTION 2.** That the Mayor and Municipal Clerk are hereby authorized to execute any and all documents necessary for the donation of the subject property to The Ocean County Utilities Authority.

**SECTION 3.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.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

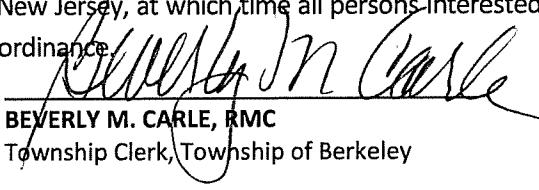
CARMEN F. AMATO, JR., Mayor

  
SOPHIA GINGRICH, Council President

JOHN BACCHIONE, 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 22, 2022, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 26<sup>th</sup> day of September 2022, 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