

**ORDINANCE NO. 2022-18-OA**<sup>3</sup>

**AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY  
OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE  
ACQUISITION OF A PORTION OF FLORENCE STREET FROM  
HOLIDAY CITY SOUTH HOMEOWNERS ASSOCIATION IN  
ACCORDANCE WITH N.J.S.A. 40A:12-5(a)(1)**

April 26, 2022

**WHEREAS**, the Township of Berkeley previously vacated a portion of Florence Street, wherein the vacated property thereafter became the property of the Holiday City South Homeowners Association; and

**WHEREAS**, the Holiday City South Homeowners Association has offered to donate back to the Township of Berkeley a portion of that which was vacated, more particularly described in Schedule "A"; and

**WHEREAS**, the property donated will be restricted by a conservation easement in favor of the State of New Jersey; 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 a portion of the vacated property of Florence Street, as detailed in Schedule "A". 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 the Holiday City South Homeowners Association.

**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 the Holiday City South Homeowners Association.

**SECTION 3.** That the Mayor and Municipal Clerk are hereby authorized to execute any and all documents necessary for the recording of a conservation easement on the subject property, once acquired, for the benefit of the State of New Jersey.

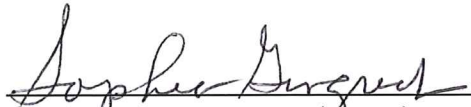
**SECTION 4.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 5.** If any section, subsection, sentence, clause, phrase of 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 6.** This ordinance shall take effect after second reading and publication as required by law.



CARMEN F. AMATO, JR., Mayor



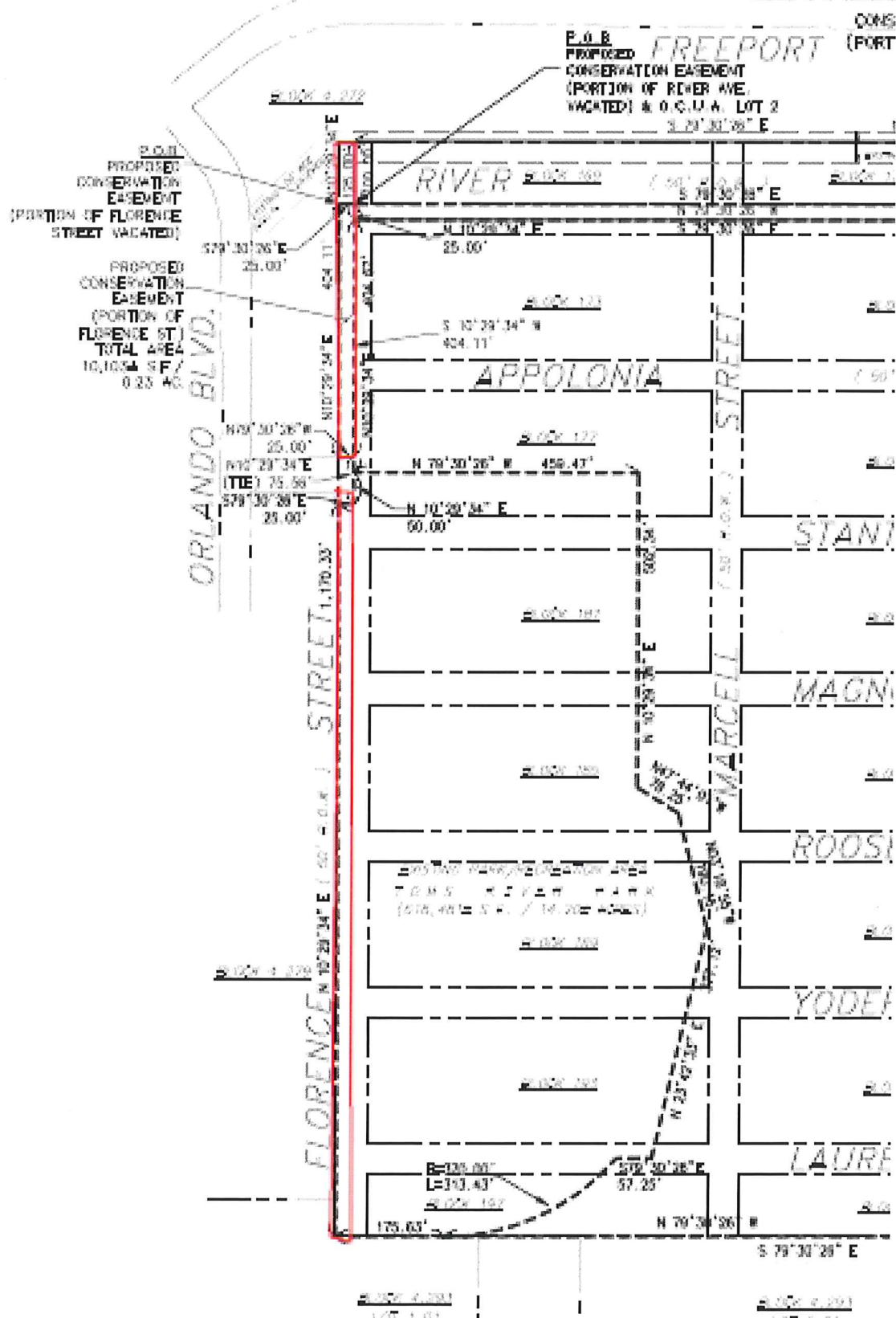
SOPHIA GINGRICH, Council President  
JOHN BACCHIONE, Council Vice President

**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 April 26, 2022, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 23<sup>rd</sup> day of May 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



November 8, 2021

**Via Email Only**


Berkeley Township  
Beverly Carle, RMC Township Clerk  
P.O. Box B,  
627 Pinewald-Keswick Road  
Bayville NJ 08721  
Beverly Carle [townshipclerk@berkeleystownship.org](mailto:townshipclerk@berkeleystownship.org)

**Re: Street Vacation  
Florence Street  
Berkeley Ordinance 21-026-OA  
RVE# 1506T113**

Dear Mrs. Carle:

We understand that the Township of Berkeley vacated the above referenced street pursuant to Ordinance No. 21-026-OA and that one half of that street will revert back to and consolidate into the HOA property. We further understand that said portion of the vacated Florence Street that abuts Block 4.272 Lot 205 will have a conservation easement placed on it to ensure no clearing or disturbance will occur. Please allow this correspondence to confirm that we accept the vacated portion of Florence Street and the conservation easement placed on that portion of the vacated Florence Street that abut Block 4.272 Lot 205.

Sincerely,

 *President  
Holiday City South Homeowners' Corp.*

cc: John Camera, Business Administrator, (via email) John Camera [jcamera@berkeleystownship.org](mailto:jcamera@berkeleystownship.org)