

ORDINANCE NO. 2022-15-OA <sup>B</sup>

**AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE VACATION OF PORTIONS OF CUMBERLAND AVENUE (BETWEEN MCKINLEY AVENUE AND HOOVER AVENUE) ABUTTING BLOCK 523, LOTS 3 & 4 AND BLOCK 524, LOTS 18 & 20**

April 26, 2022

**WHEREAS**, there exists a right-of-way on Cumberland Avenue (Between McKinley Avenue and Hoover Avenue), Block 523, Lots 3 & 4 and Block 524, Lots 18 & 20, 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 Cumberland Avenue (Between McKinley Avenue and Hoover Avenue), described in Schedule A, provided by the property owners of adjacent property owners, Alan Richtmyer and Steven Bajda, 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 Cumberland Avenue (Between McKinley Avenue and Hoover Avenue) abutting Block 523, Lots 3 & 4 and Block 524, Lots 18 & 20, 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.

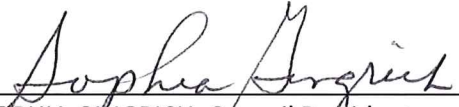
**SECTION 3.** This ordinance shall be published at least once in an official newspaper of the Township of Berkeley at least ten (10) days prior to the time fixed for consideration of the final passage of the ordinance.

**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 5.** A condition of the vacation of the portion of Cumberland Avenue (Between McKinley Avenue and Hoover Avenue) is that this street must be consolidated with Block 523, Lots 3 & 4 and Block 524, Lots 18 & 20.

  
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



## **Bernard M. Collins**

**SURVEYING, INC.**

7 Pelican Drive, Unit 2

Bayville, NJ 08721

Email: delcols@comcast.net

**MICHAEL COLLINS, L.S.**  
President

PH: (732) 341-4200  
FAX: (732) 237-2623

DATE: 3/11/2022  
JOB NO. S-35095VACMB  
A PORTION OF CUMBERLAND AVENUE TO BE VACATED  
TOWNSHIP OF BERKELEY  
OCEAN COUNTY, N.J.

BEING A PORTION OF CUMBERLAND AVENUE TO BE VACATED, AS SHOWN ON  
THE TOWNSHIP OF BERKELEY TAX MAP, OCEAN COUNTY, NEW JERSEY.

BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTHERLY LINE OF  
CUMBERLAND DRIVE, (50.00 FT. R.O.W.), WITH THE WESTERLY LINE OF MCKINLEY  
AVENUE, (50.00 FT. R.O.W.), THENCE;

FROM SAID POINT OF BEGINNING- RUNNING:

1. SOUTH 89 DEGREES 59 MINUTES 30 SECONDS WEST, A DISTANCE OF 150.00 FT.,  
TO A POINT, THENCE:
2. NORTH 00 DEGREES 00 MINUTES 30 SECONDS WEST, A DISTANCE OF 50.00 FT.,  
TO A POINT, THENCE:
3. NORTH 89 DEGREES 59 MINUTES 30 SECONDS EAST, A DISTANCE OF 150.00 FT.,  
TO A POINT, THENCE:
4. SOUTH 00 DEGREES 00 MINUTES 30 SECONDS EAST, A DISTANCE OF 50.00 FT.,  
TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PROPERTY IS COMMONLY KNOWN AS A PORTION OF  
CUMBERLAND AVENUE, TO BE VACATED, TOWNSHIP OF BERKELEY TAX MAP, OCEAN  
COUNTY, NEW JERSEY.

**BERNARD M. COLLINS**  
LICENSED LAND SURVEYOR  
LICENSE # 29181

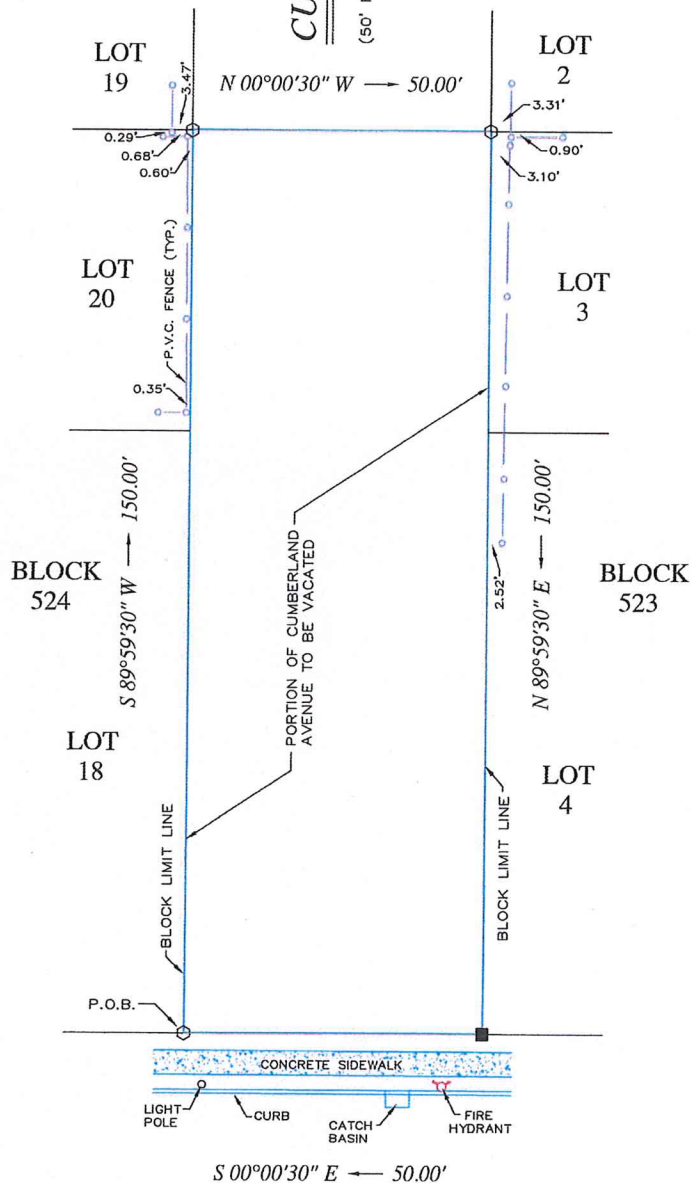
NOTES:

1. CONTRACTUAL AGREEMENT STATES THAT PROPERTY CORNERS ARE TO BE SET BY THIS SURVEY.
2. UNDERGROUND UTILITIES NOT LOCATED BY THIS SURVEY.
3. NO ATTEMPT WAS MADE TO DETERMINE IF ANY PORTION OF THIS PROPERTY IS CLAIMED BY THE STATE OF N.J. AS TIDELANDS.
4. DEED REFERENCE: BOOK, PAGE
5. ENVIRONMENTALLY SENSITIVE AREAS ARE NOT LOCATED BY THIS SURVEY

Job No. S-35095VAC

**CUMBERLAND AVENUE**  
(50' R.O.W.)

FILED MAP REF.



LEGEND:

- - REBAR SET
- - MONUMENT FOUND

CERTIFICATION:

IN CONSIDERATION OF FEE PAID I HEREBY CERTIFY THIS SURVEY WAS MADE UNDER MY IMMEDIATE SUPERVISION TO:

STEVEN BAJDA

**McKINLEY AVENUE**  
(50' R.O.W.)

Map of Survey Showing A Portion of Cumberland Avenue To Be Vacated

PORTION OF CUMBERLAND AVENUE TO BE VACATED, T.M. SHEET # 45  
TOWNSHIP OF BERKELEY --- OCEAN COUNTY --- NEW JERSEY

A.K.A. PORTION OF CUMBERLAND AVENUE, TO BE VACATED, AS SHOWN ON A MAP ENTITLED "MAP OF THE MILITARY - NAVAL SUBDIVISION OF PINEWALD." FILED IN THE OCEAN COUNTY CLERKS OFFICE ON JANUARY 23, 1912, AS MAP NO. A-141.

Bernard M. Collins Surveying, Inc.  
7 Pelican Drive, Unit # 2  
Bayville, N.J. 08721  
(732) 341-4200 Fax (732) 237-2623

SCALE 1" = 20'	DATE 4/14/2022
DRAWN BY K.L.R.	SHEET 1 OF 1

Bernard M. Collins

LICENSED LAND SURVEYOR N.J. LIC. NO. 29181

DATE 4/14/2022