

ORDINANCE NO. 2022-08-OA3

AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE VACATION OF PORTIONS OF MADISON AVENUE (BETWEEN MCKINLEY AVENUE AND ROOSEVELT AVENUE) ABUTTING BLOCK 520, LOT 1.01 AND BLOCK 521, LOTS 17 & 19

February 28, 2022

WHEREAS, there exists a right-of-way on Madison Avenue (Between McKinley Avenue and Roosevelt Avenue), Block 520, Lot 1.01 and Block 521, Lots 17 & 18, 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 Madison Avenue (Between McKinley Avenue and Roosevelt Avenue), described in Schedule A, provided by the property owners of adjacent property owners, Barway Enterprises, LLC and Justen & Janine Clymer, 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 Madison Avenue (Between McKinley Avenue and Roosevelt Avenue) abutting Block 520, Lots 1.01 and Block 521, Lots 17 & 19, 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 Madison Avenue (Between McKinley Avenue and Roosevelt Avenue) is that this street must be consolidated with Block 1372, Lots 1 & 2 and Block 1362, Lots 21-24.



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 February 28, 2022, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 28th day of March 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