

ORDINANCE NO. 2021-21-OAB

ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE ACQUISITION OF BLOCK 185, LOTS 531 & 532 BY NEGOTIATION, PURCHASE, CONDEMNATION OR EMINENT DOMAIN

May 24, 2021

WHEREAS, N.J.S.A. 40:A12-5 and N.J.S.A. 20:3-1 et seq. authorize public entities to acquire real property or an interest in real property; and

WHEREAS, the Township Council of the Township of Berkeley has deemed it necessary to acquire the property being identified on the Official Tax Map of the Township of Berkeley as Block 185, Lots 531 & 532; and

WHEREAS, the Township wishes to acquire the property in connection with the preservation of Toms River Park; and

WHEREAS, an appraisal of the property was completed on or about March 2, 2021 setting forth the fair market value of the property as of \$5,000.00; and

WHEREAS, the Township hereby approves the appraisal report and the fair market value of the property as of \$5,000.00 and hereby authorizes the Township Attorney to proceed with the required steps to purchase or condemn the property; and

WHEREAS, the Township Council has determined that the public's interest will be served by the acquisition of the property in connection with the preservation of the park; and

WHEREAS, the Township Council desires to formally authorize the acquisition of the property and the institution of eminent domain proceedings if necessary in order to acquire said property; and

WHEREAS, the Mayor and Governing Body of the Municipality are authorized by the New Jersey State Constitution, N.J.S.A. 40A:12-5(a), N.J.S.A. 20:3-1 et seq., and/or any other provision of applicable law to proceed with acquiring certain property interests by condemnation/eminent domain;

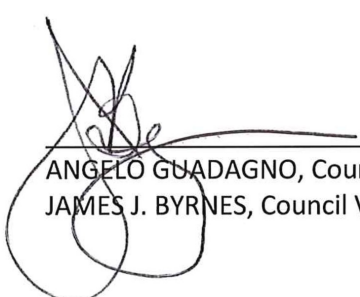
NOW, THEREFORE, BE IT ORDAINED by the Mayor and Governing Body of Township of Berkeley in the County of Ocean and State of New Jersey as follows:

1. **RECITALS INCORPORATED:** The above recitals are incorporated into this section of the Ordinance as if specifically set forth at length herein.
2. **SPECIFIC FINDINGS:** The Mayor and Governing Body of the Municipality find that preserving the property at Toms River Park for public use are all in the furtherance of a public use and purpose.
3. **AUTHORIZE CONDEMNATION:** The Mayor and Governing Body of the Municipality specially authorize any and all necessary and appropriate actions by Municipality officials including the Mayor, Municipal Clerk, Municipal Attorney, for the taking and obtaining Block 185, Lots 531 & 532 through negotiation, purchase, or condemnation/eminent domain, including, but not limited to, the hiring of any experts, engaging the services of land surveyors, title insurance companies, appraisers, and any other professional whose services are necessary or appropriate to implement the purposes of this Ordinance, the making of any offer by the Municipality to the property owner(s) in the full amount of the appraised value of the property interest that the Municipality seeks to acquire in said property, and to negotiate in good faith with the record owner(s) of the property for its voluntary acquisition in accordance with N.J.S.A. 20:3-6, and in the event that the negotiations for the voluntary acquisition of the property interest are unsuccessful for any reason to commence a condemnation action by the filing of a Verified Complaint and Declaration of Taking, depositing the estimated just compensation with the Clerk of the Superior Court, filing a Lis Pendens, and taking any and all other actions of any administrative or other nature necessary to complete the process contemplated by this Ordinance.
4. **IDENTIFICATION OF PROPERTY:** The property for which a taking of property interests is authorized by negotiation, purchase, or condemnation/eminent domain pursuant to this Ordinance is Block 185, Lots 531 & 532 located in the Municipality. The property interests to be acquired are irrevocable, perpetual, permanent easements in the properties identified herein.
5. **OFFICIALS AUTHORIZED:** All appropriate officials of the Municipality, including, but not limited, to the Mayor, Municipal Clerk, Municipal Attorney, Special Condemnation Attorney, and any and all experts or others acting on behalf of the Municipality are authorized by this Ordinance to sign any and all documentation and take any and all action necessary to effectuate the purposes and intention of this Ordinance.

6. **PURCHASE OF PROPERTY**: If a determination is made that the purchase of the property rather than the obtaining said property interest through condemnation/eminent domain, then all appropriate officials of the Municipality, including, but not limited to, the Mayor, Municipal Clerk and Municipal Attorney are authorized by this Ordinance to sign any and all documentation to effectuate the purchase of the property interests by the Municipality.
7. **REPEALER**: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.
8. **SEVERABILITY**: If any section, paragraph, subdivision, subsection, clause, or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause, or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.
9. **EFFECTIVE DATE**: This Ordinance shall take effect immediately upon final adoption and publication as required by law.



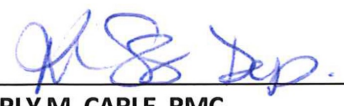
CARMEN F. AMATO, JR, Mayor



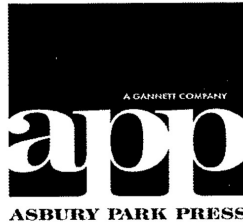
ANGELO GUADAGNO, Council President
JAMES J. BYRNES, Council Vice President

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 May 24, 2021, 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 **June**, 2021 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



**Classified Ad Receipt
(For Info Only - NOT A BILL)**

Customer: BERKELEY TOWNSHIP
Address: 627 PINEWALD KESWICK RD
BAYVILLE NJ 08721
USA

Ad No.: 0004806917
Pymt Method Invoice
Net Amt: \$134.90

Run Times: 1

No. of Affidavits: 1

Run Dates: 07/03/21

Text of Ad:

#21-18-OAB
AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE VACATION OF PORTIONS OF COYNE AVENUE ABUTTING BLOCK 731, LOT 28 AND BLOCK 730, LOT 5

#21-19-OAB
ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE ACQUISITION OF BLOCK 171, LOTS 1278 & 1279 BY NEGOTIATION, PURCHASE, CONDEMNATION OR EMINENT DOMAIN

#21-20-OAB
ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE ACQUISITION OF BLOCK 179, LOTS 916 & 917 BY NEGOTIATION, PURCHASE, CONDEMNATION OR EMINENT DOMAIN

#21-23-OAB
ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING TOWN CENTER REDEVELOPMENT PLAN

Foregoing Ordinances were duly passed after Public Hearing held June 28, 2021 at the regular meeting of the Township Council of the Township of Berkeley and were approved by the Mayor on 6/28/2021.

#21-21-OA
ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE ACQUISITION OF BLOCK 185, LOTS 531 & 532 BY NEGOTIATION, PURCHASE, CONDEMNATION, OR EMINENT DOMAIN

#21-22-OA
ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, TO PROVIDE FOR AND DETERMINE THE RATE OF COMPENSATION FOR CERTAIN EMPLOYEE TITLES, AND ESTABLISHING THE METHOD OF SUCH COMPENSATION

#21-24-OA
AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AMENDING THE TOWNSHIP CODE, SO AS TO AMEND SECTION 7-20, ENTITLED "STOP INTERSECTIONS"

#21-25-OA
AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE VACATION OF PORTIONS OF CLINTON AVENUE ABUTTING BLOCK 235, LOT 14 AND BLOCK 266, LOTS 5 & 6

#21-26-OA
AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE VACATION OF PORTIONS OF RIVER AVENUE, APPOLONIA AVENUE, STANTON AVENUE, MAGNOLIA AVENUE, ROOSEVELT AVENUE, YODER AVENUE, LAUREL AVENUE, FLORENCE STREET, MARCELL STREET, JOHNSON STREET, MABLE STREET AND MILTON STREET AVENUE

#21-27-OA
AN ORDINANCE OF THE TOWNSHIP OF BERKELEY TO EXCEED THE "CAP" AND TO ESTABLISH A "CAP" BANK

#21-28-OA
AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE VACATION OF PORTIONS OF STARR AVENUE ABUTTING BLOCK 73, LOT 840.01 AND BLOCK 74, LOTS 830-839 AND BLOCK 73, LOTS 845-849

#21-29-OA
AN ORDINANCE OF THE TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, PROHIBITING THE OPERATION OF ANY CLASS OF RECREATIONAL CANNABIS BUSINESSES WITHIN ITS GEOGRAPHICAL BOUNDARIES AND AMENDING CHAPTER 35 OF THE TOWNSHIP CODE

The foregoing ordinances were 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 June 28, 2021, and will be considered for second reading and final passage at the regular meeting of said Governing Body to be held on the 26th day of July, 2021, at 6:00 p.m. or as soon

3600 Highway 66, Neptune, NJ 07753

View Important Coronavirus Updates

TAX BOARD

Tax List Details - Current Year			
Municipality:	Brkly	Deed date:	N/A
Owner:	THOMAS, MARY C/O MILDRED BELL	Block:	185
Mailing address:	35 CLIFFORD CT	Lot:	531
City/State:	HUNTINGTON STATION NY 11746	Qual:	
Location:	ROOSEVELT AVE		
Prop class:	1	Land val:	800
Bldg desc:		Improvement val:	
Land desc:	50X100	Exemption 1:	
Addtl lots:	532	Exemption 2:	
Zone:	R400	Exemption 3:	
Map:	25	Exemption 4:	
Year blt:		Net value:	800
Book/page:	/	Last yr taxes:	17.83
Sale price:		Prev block:	
Nonusable code:		Prev lot:	
Spcl tax codes:		Prev qual:	
Exmt Prop Code	000	Init/Fur file date	NA / NA
Statue:		Facility:	

Assessment History

Year	Prop cls	Land Value	Imprv Val	Net Val
2020	1	800		800
2019	1	800		800
2018	1	800		800
2017	1	800		800

Cama Details

Type/use:		Story hgt:	
Design:		Roof type:	
Roof mtrl:		Ext Finish:	
Foundation:		Basement:	0
Heating src:		Heat system:	
Electric:		A/C:	
Plumbing:			
Fireplace:		SFLA:	0
Attic area:	0	Unf area:	0
# bedrooms:	0	# bathrooms:	0
Attchd items:		Total # rooms:	0
Detchd items:			

Sr1a Details

Prop loc:	ROOSEVELT AVE		
Book/page:	/	Deed date:	1/1/1800
Sales price:		Year built	0000

Beverly M. Carle
Township Clerk
627 Pinewald/Keswick Road
P.O. Box B
Bayville, NJ 08721
Email: townshipclerk@twp.berkeley.nj.us



Phone: 732-244-7400 Ext.1205
Fax: 732-505-0145

August 5, 2021

Mary Thomas
c/o Mildred Bell
25 Clifford Court
Huntington Station, NY 11746

To Whom it May Concern:

I, Beverly M. Carle, RMC, Township Clerk, of the Township of Berkeley, in the County of Ocean, State of New Jersey, do hereby certify that the attached is a true copy of:

Ordinance #21-21-OAB:

AN ORDINANCE OF THE TOWNSHIP OF BERKLEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE ACQUISITION OF BLOCK 185, LOTS 531 & 532 BY NEGOTIATION, PURCHASE, CONDEMNATION OR EMINENT DOMAIN

I, **Beverly M. Carle**, Township Clerk, of the Township of Berkeley, in the County of Ocean, State of New Jersey, do hereby certify that the attached is a true copy of the Ordinance Adopted on the 3rd day of August, 2021.

Very truly yours,

Beverly M. Carle, RMC
Berkeley Township

BMC/GH
Enclosure

AFFIDAVIT OF PUBLICATION

Publisher's Fee \$59.40 Affidavit \$35.00

STATE OF WISCONSIN

Brown County

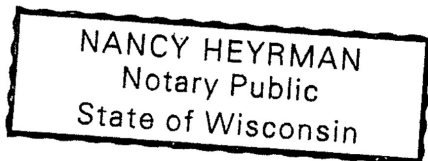
Personally appeared Shelly Hora at County of Brown, State of Wisconsin.

Of the **Asbury Park Press**, newspaper printed in Freehold, New Jersey and published in Neptune, in State of New Jersey and Monmouth/Ocean Counties, and of general circulation in Monmouth/Ocean Counties, who being duly sworn, depose and saith that the advertisement of which the annexed is a true copy, has been published in the said newspaper 1 times, once in each issue as follows:

08/09/2021 A.D 2021

Nancy Heyrman
Notary Public State of Wisconsin County of Brown

5.15.23
My commission expires



TOWNSHIP OF BERKELEY

#21-21-OA

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BEVERLY M. CARLE, RMC Township Clerk
Berkeley Township

(\$59.40)

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