

ORDINANCE OF THE TOWNSHIP OF BERKELEY COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE ACQUISITION OF CERTAIN INTERESTS IN REAL PROPERTIES BY NEGOTIATION, PURCHASE, CONDEMNATION OR EMINENT DOMAIN, SAID PROPERTIES BEING IDENTIFIED ON THE ANNEXED SCHEDULE AND PARCEL MAPS

JANUARY 4, 2021

WHEREAS, the Mayor and Council of the Township of Berkeley, County of Ocean, State of New Jersey (hereinafter referred to as the "Township") have concluded that it is necessary, desirable and appropriate for the Township to undertake acquisition of property located at Block: 824, Lot: 1.01, 10 Atlantic City Boulevard (Route 9) and more particularly as hereinafter described, in Berkeley Township in order to facilitate the intent and purposes of a certain agreement known as **REDEVELOPMENT AGREEMENT BETWEEN TOWNSHIP OF BERKELEY AND BERKELEY REDEVELOPERS, LLC**.

WHEREAS, certain property which the Township believes it must acquire is currently in private ownership; and

WHEREAS, by adoption of this Ordinance the Township authorizes the taking of the referenced property which is currently privately owned, by condemnation/ eminent domain so that the Township and other entities or agents acting on behalf or in contractual relationship with the Township may own and utilize the property in furtherance of the agreement aforementioned.

WHEREAS, the Township further finds that public use and purpose would be served for the benefit of the Township by acquiring said property in furtherance of the duly adopted and approved agreement aforementioned.

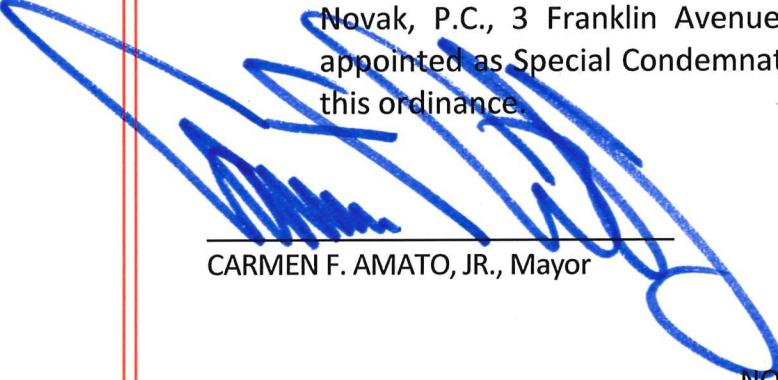
WHEREAS, the Mayor and Township Council of the Township are authorized by the New Jersey State Constitution, N.J.S.A. 40A:12-5(a), N.J.S.A. 20:3-1 et seq., and/or any other provision of applicable law to proceed with acquiring certain property interests by condemnation/ eminent domain as long as just compensation is paid for the same

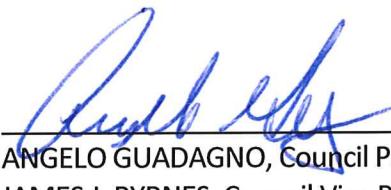
NOW, THEREFORE, BE IT ORDAINED by the Mayor and the Township Council of Township of Berkeley in the County of Ocean and State of New Jersey as follows:

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 Township Council find that the acquisition will promote and protect the health, safety, and welfare of residents of the Township, and further find that any purchase or taking by eminent domain of any and all property interests necessary for the same are all in the furtherance of a public use and purpose.
3. **AUTHORIZE CONDEMNATION:** The Mayor and Township Council specially authorize any and all necessary and appropriate actions by Township officials including the Mayor, Township Clerk, Township Attorney, and/or Special Condemnation Attorney, in conjunction with the New Jersey Department of Environmental Protection and/or any other appropriate State or Federal entity, for the taking and obtaining of certain property as set forth herein 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 Township to the property owner(s) in the full amount of the appraised value of the property interest that the Township 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 is authorized by negotiation, purchase, or condemnation/eminent domain pursuant to this Ordinance are located in the Municipality and listed on the Municipality tax map, attached as **Exhibit A** to this Ordinance and specifically incorporated into this Ordinance by reference. The property to be acquired is to be acquired in fee.
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 by a majority vote of the Township Council of the Township that the purchase of this property is more appropriate than the obtaining said property through condemnation/ eminent domain, then all appropriate officials of the Township, including, but not limited to, the Mayor, Municipal Clerk, Municipal Attorney, and Special Condemnation Attorney are authorized by this Ordinance to sign any and all documentation to effectuate the purchase of the property interests by the Township .
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.
10. **SPECIAL CONDEMNATION ATTORNEY:** The Law Offices of John J. Novak, P.C., 3 Franklin Avenue, Toms River, NJ 08753 is hereby duly appointed as Special Condemnation Attorney for the purposes set forth in this ordinance.


CARMEN F. AMATO, JR., Mayor


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

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 January 4, 2021 and will be considered for second reading and final passage at the regular meeting of said Township Council to be held on the day of January 26, 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.

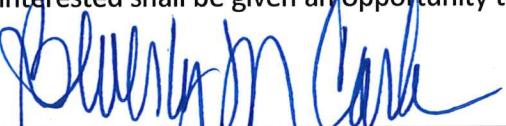

BEVERLY M. CARLE, RMIC
TOWNSHIP CLERK

EXHIBIT A