

RESOLUTION NO. 0046 - 2025

**RESOLUTION OF THE
BERKELEY TOWNSHIP MUNICIPAL UTILITIES AUTHORITY,
TOWNSHIP OF BERKELEY, COUNTY OF OCEAN, STATE OF NJ,
AUTHORIZING ACCEPTANCE OF
PROPOSED UTILITY EASEMENT AGREEMENT BETWEEN
STATE HIGHWAY 9 AND KELLER AVENUE FROM ELMER AVENUE, LLC**

WHEREAS, the Berkeley Township Municipal Utilities Authority (hereinafter referred to as the "Authority") is in need of a utility easement between State Highway 9 and Keller Avenue in the Township; and

WHEREAS, by way of a roadway vacation said easement could be obtained; and

WHEREAS, the developer known as Elmer Avenue, LLC, is in the process of developing a strip mall on the south side of Block 1490 consisting of numerous consolidated lots which development is located between State Highway 9 and Keller Avenue; and

WHEREAS, the developer is proposing to grant to the Authority a 20 foot wide by 250 foot long utility easement through the subject property which would be compatible with its development plans in accord with the Utility Easement Agreement attached hereto and made a part hereof together with appropriate metes and bounds description and drawing; and

WHEREAS, the proposed utility easement grant, as suggested by Elmer Avenue, LLC, has been reviewed and is deemed to be in the best interests of the Authority;

NOW THEREFORE BE IT RESOLVED this 25th day of September, 2025, by the Berkeley Township Municipal Utilities Authority as follows:

1. The Utility Easement Agreement, metes and bounds description and survey depiction attached hereto and made a part hereof are hereby accepted by the Authority.
2. Authority is hereby granted for the Chairman to sign the Easement Agreement.

3. It is further authorized that said Easement Agreement be filed with the Clerk of the County of Ocean by the Authority.
4. The Authority hereby authorizes and directs the Chairperson, Secretary and Executive Director to execute any and all necessary documents in order to implement the intent of this Resolution.

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be forwarded by the Executive Director to the following:

- a. Honorable Richard Elliot, Chairperson;
- b. The Municipal Clerk of the Township of Berkeley; and
- c. Berry, Sahradnik, Kotzas & Benson.

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Berkeley Township Municipal Utilities Authority, County of Ocean, State of New Jersey at a regular meeting held on the 25th day of September, 2025, a quorum being present and voting in the majority.



Richard Elliot, Authority Chairperson



Denise Pellecchia, Authority Secretary

Prepared by:
BERRY, SAHRADNIK, KOTZAS & BENSON
212 Hooper Avenue
P.O. Box 757
Toms River, New Jersey 08753