

**TOWNSHIP OF DOWNE
CUMBERLAND COUNTY, NEW JERSEY**

ORDINANCE NO. 2019-5

**AN ORDINANCE AUTHORIZING AND DIRECTING THAT BLOCK 2, LOT 4 OWNED
BY DENNIS DORSEY LOCATED WITHIN THE TOWNSHIP OF DOWNE, COUNTY OF
CUMBERLAND AND STATE OF NEW JERSEY BE ACQUIRED
BY EMINENT DOMAIN OR PURCHASE OR GIFT**

BE IT ORDAINED by the Township Committee of the Township of Downe, County of Cumberland, and State of New Jersey as follows:

WHEREAS, the "Local Lands and Buildings Law", N.J.S.A. 40A:12-1, et seq., provides that a Municipality may acquire "any real property" . . . [b]y purchase, gift, devise, lease, exchange, condemnation or installment purchase agreement"; and

WHEREAS, Dennis Dorsey is the owner of record of certain land situated in the Township of Downe (hereinafter referred to as "the Township") and designated as Block 2, Lot 4 having a legal address of 207 Cove Road, Gandy's Beach, Downe Township, County of Cumberland and State of New Jersey (hereinafter referred to as "the Property"); and

WHEREAS, the Township has determined that the Property should be acquired in whole or in part for public use as a site for a public purposed sewer packaged treatment plant; and

WHEREAS, the Township has determined that it is necessary, beneficial and in the public's interest to acquire all or a portion of the subject Property for public use as proposed; and

WHEREAS, the acquisition of such Property to be utilized as a Property on which to install public works elements supporting the Township which will fulfill the primary goal of the Township with regard to the preservation of the Township's character by providing for space for the Township to design, install and operate public sewer.

NOW, THEREFORE, BE IT ORDAINED by the Township of Committee of the Township of Downe, County of Cumberland and State of New Jersey as follows:

**SECTION ONE
AUTHORIZATION TO ACQUIRE LAND**

Pursuant to the provisions of the "Local Lands and Buildings Law", N.J.S.A. 40A:12-1 et seq., the Township of Downe is hereby authorized and directed to acquire by purchase or gift the hereinafter described real property provided that the owner of record expresses the desire to convey the said real property to the Township or, in the alternative, the Township is hereby authorized to take or condemn the real property

hereinafter described pursuant to the provisions of the "Eminent Domain Act of 1971", N.J.S.A. 20:3-1 et seq. as follows:

Block 2, Lot 4 owned by Dennis Dorsey for the public use to locate, operate and maintain a Township package sewer treatment plant.

**SECTION TWO
AUTHORITY OF AGENTS**

The Mayor, Township Administrator, Township Engineer, Township Attorneys and such other officials, employees and agents of the Township of Downe, specifically including, but not limited to professional appraisers, environmental experts, consulting engineers, surveyors and similar professionals as are appropriate, are hereby authorized and directed to execute such documents and to perform all other acts necessary to negotiate or take, condemn (including the institution of any necessary legal action to acquire the real property including but not limited to action to gain necessary access to the real property for related purposes) or to acquire title to the real property for public use as a public purposed package sewer treatment plant and the Mayor and Township Clerk are hereby authorized and directed to execute any and all documents necessary for the acquisition of said real property; however, no settlement figure, purchase price or stipulation to purchase shall be binding on the Township of Downe or its agents until the Mayor and Committee of the Township of Downe approves such figure or price by Resolution.

**SECTION THREE
COST OF ACQUISITION**

The appropriate disbursing officers of the Township of Downe are hereby authorized and directed to pay the purchase price and/or fair and just compensation to the owner of record of the property as well as to pay the Township's share of costs connected with title reports, appraisal reports, attorney's fees, professional consultant's fees and other costs necessary for the general acquisition or acquisition by way of condemnation of the real property.

Section One. Repealer. All former Ordinances of the Township of Downe which are in conflict with the provisions contained in this Ordinance are hereby repealed upon the adoption of this Ordinance.

Section Two. Severability. If any part or parts of this Ordinance are held to be invalid for any reason such decision shall not affect the validity of the remaining portions of this Ordinance.

Section Three. This Ordinance shall take effect after final approval and publication as required by law.

ATTEST:

BY:


Robert Campbell, Mayor


Nadine E. Lockley, Municipal Clerk

STATE OF NEW JERSEY :
 :
 :
COUNTY OF CUMBERLAND :

Please take notice that the above Ordinance was adopted after a Public Hearing at a meeting of the Downe Township Committee on the 12th day of August, 2019 at the Downe Township Municipal Building in Newport, New Jersey.

ATTEST


Nadine E. Lockley, Municipal Clerk



**TOWNSHIP OF DOWNE
CUMBERLAND COUNTY, NEW JERSEY
RECORD FOR ORDINANCE # 2019-5**

Introduce Ordinance on First Reading

Motion: ROTHMAN

Second: BART

Introduce Ordinance / First Reading Date: July 8, 2019
Ordinance Published: July 12, 2019
Ordinance Posted: July 8, 2019
Public Hearing / Second Reading Date: August 12, 2019

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Jordan, Sr., L.	X			
Byrne, S.	X			
Rothman, M.	X			
Bart, E.	X			
Campbell, R.	x			

Adoption of Ordinance

Motion: BYRNE

Second: ROTHMAN

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Jordan, Sr., L.	X			
Byrne, S.	X			
Rothman, M.	X			
Bart, E.	X			
Campbell, R.	X			

Final Adoption Date: August 12, 2019
Notice of Final Passage Published: August 22, 2019
Notice of Final Passage Posted: August 12, 2019

August 12, 2019
Date

Nadine E. Lockley
Nadine E. Lockley, Municipal Clerk