

**TOWNSHIP OF DOWNE  
COUNTY OF CUMBERLAND**

**ORDINANCE NO. 2019-10**

**AN ORDINANCE AUTHORIZING AND DIRECTING THAT BLOCK 3, LOT 4 OWNED  
BY EMILY L. BITTENBENDER 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**, Emily L. Bittenbender is the owner of record of certain land situated in the Township of Downe (hereinafter referred to as "the Township") and designated as Block 3, Lot 4 having a legal address of 104 Bayview Drive, Money Island, 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; 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

**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 3, Lot 4 owned by Emily L. Bittenbender for public use.

**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 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.

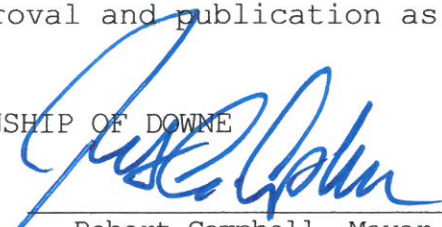
**Section One. Repealer.** All former Ordinances of the Township of Downe which are in conflict with the provisions contained in this Ordinance are hereby repealed upon the adoption of this Ordinance.

**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.

TOWNSHIP OF DOWNE

BY:

  
\_\_\_\_\_  
Robert Campbell, Mayor

  
\_\_\_\_\_  
Nadine Lockley, Municipal Clerk

STATE OF NEW JERSEY :  
: SS  
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 9<sup>th</sup> day of September, 2019 at the Downe Township Municipal Building in Newport, New Jersey.

ATTEST

  
\_\_\_\_\_  
Nadine Lockley, Municipal Clerk



TOWNSHIP OF DOWNE

CUMBERLAND COUNTY, NEW JERSEY

RECORD FOR ORDINANCE # 2019-10

Introduce Ordinance on First Reading

Motion: JORDAN

Second: ROTHMAN

Introduce Ordinance / First Reading Date: August 12, 2019

Ordinance Published: August 22, 2019

Ordinance Posted: August 12, 2019

Public Hearing / Second Reading Date: September 9, 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: JORDAN

Second: BYRNE

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: September 9, 2019

Notice of Final Passage Published: September 19, 2019

Notice of Final Passage Posted: September 10, 2019

Sept 9, 2019  
Date

Nadene E. Lockley  
Nadene E. Lockley, Municipal Clerk