

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

ORDINANCE NO. 2019-16

**AN ORDINANCE AUTHORIZING AND DIRECTING THAT MULTIPLE PROPERTIES
OWNED BY TONY NOVAK 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" . . . by purchase, gift, devise, lease, exchange, condemnation or installment purchase agreement"; and

WHEREAS, Tony Novak is the owner of record of certain lands situated in the Township of Downe (hereinafter referred to as "the Township"), County of Cumberland and State of New Jersey (hereinafter referred to as "the Property"); 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 Properties 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 properties provided that the owner of record expresses the desire to convey the said real properties to the Township or, in the alternative, the Township is hereby authorized to take or condemn the real properties hereinafter described pursuant to the provisions of the "Eminent Domain Act of 1971", N.J.S.A. 20:3-1 et seq. as follows:

184 Bayview Road - Block 4, Lot 3
186 Bayview Road - Block 4, Lot 4

188 Bayview Road - Block 4, Lot 5
192 Bayview Road - Block 4, Lot 6
206-212 Nantuxent Drive - Block 6, Lot 19
204 Nantuxent Drive - Block 6, Lot 20
202 Nantuxent Drive - Block 6, Lot 21
East Nantuxent Drive - Block 6, Lot 22
295 East Nantuxent Drive - Block 7, Lot 1
289 East Nantuxent Drive - Block 7, Lot 2
241 East Nantuxent Drive - Block 7, Lot 13
258 Nantuxent Drive - Block 7, Lot 15
320-326 Nantuxent Drive - Block 7, Lot 32
334 Nantuxent Drive - Block 7, Lot 33

**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 properties including but not limited to action to gain necessary access to the real properties for related purposes) or to acquire title to the real properties 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 properties; 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 properties 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 properties.

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.

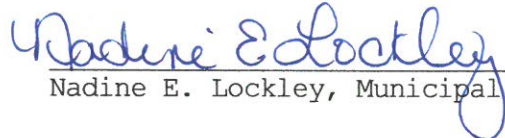
Section Two. Severability. If any part or parts of this Ordinance are held to be invalid for any reason such decision shall not affect the validity of the remaining portions of this Ordinance.

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

ATTEST:

BY:

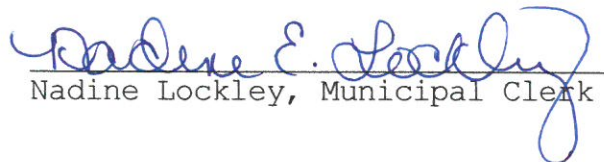

Robert Campbell, Mayor


Nadine E. Lockley, Municipal Clerk

STATE OF NEW JERSEY :
: 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 14th day of October, 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 # 2019-16

Introduce Ordinance on First Reading

Motion: ROTHMAN

Second: BART

Introduce Ordinance / First Reading Date: September 9, 2019

Ordinance Published: September 19, 2019

Ordinance Posted: September 9, 2019

Public Hearing / Second Reading Date: October 14, 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: JORDAN

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: October 14, 2019

Notice of Final Passage Published: October 22, 2019

Notice of Final Passage Posted: October 14, 2019

October 15, 2019
Date

Nadine E. Lockley
Nadine E. Lockley, Municipal Clerk