

TOWNSHIP OF DOWNE
COUNTY OF CUMBERLAND, NEW JERSEY

ORDINANCE NO. 2020-15

**AN ORDINANCE AUTHORIZING AND DIRECTING THAT BLOCK 74, LOTS 41,
42 & 43 OWNED BY FRANK CARPINO & HERITAGE HILL ESTATES, LLC
LOCATED WITHIN THE TOWNSHIP OF DOWNE, COUNTY OF CUMBERLAND AND
STATE OF NEW JERSEY BE ACQUIRED BY 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, Frank Carpino and Heritage Hill Estates, LLC are the owners of record of certain land situated in the Township of Downe (hereinafter referred to as "the Township") and designated as Block 74, Lots 41, 42 & 43 having a legal address of 234, 232 & 240 New Jersey Avenue (respectively), 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 to enhance the public right of-way and for other public purposes; 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.

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 as follows:

Block 74, Lots 41, 42 & 43 having a legal address of 234, 232 & 240 New Jersey Avenue (respectively) owned by Frank Carpino & Heritage Hill Estates, LLC ~~for the public use to enhance the public right-of-way~~

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 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 following approval by Resolution 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 of the real property.

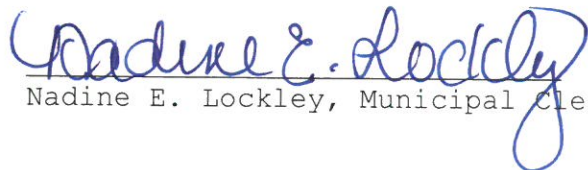
Section One. Repealer. All former Ordinances of the Township of Downe which are in conflict with the provisions contained in this Ordinance are hereby repealed upon the adoption of this Ordinance.

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: 
Michael L. Rothman, 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 8th day of February, 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 # 2020-15

Introduce Ordinance on First Reading

Motion: ROTHMAN

Second: BURT

Introduce Ordinance / First Reading Date: DECEMBER 14, 2020

Ordinance Published: DECEMBER 14, 2020

Ordinance Posted: DECEMBER 18, 2020

Public Hearing / Second Reading Date: JANUARY 11, 2021

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

Adoption of Ordinance

Motion: CAMPBELL

Second: BART

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

Final Adoption Date: FEBRUARY 8, 2021

Notice of Final Passage Published: FEBRUARY 12, 2021

Notice of Final Passage Posted: FEBRUARY 8, 2021

February 8, 2021
Date

Nadine E. Lockley
Nadine E. Lockley, Municipal Clerk