

**TOWNSHIP OF DOWNE
COUNTY OF CUMBERLAND**

ORDINANCE NO. 2021-11

**AN ORDINANCE AUTHORIZING THE ACQUISITION OF PROPERTY KNOWN AS 302
COVE ROAD (BLOCK 1 LOT 51) ON THE TAX MAP OF THE TOWNSHIP OF DOWNE**

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, Joseph D and Dale M. Rutala are the owners of record of certain land situated in the Township of Downe (hereinafter referred to as "the Township") and designated as Block 1, Lot 51 having a legal address of 302 Cove Road, Downe Township, County of Cumberland and State of New Jersey (hereinafter referred to as "the Property"); and

WHEREAS, the Township of Downe is authorized to acquire such property as may be in the best interest of the Township of Downe pursuant to N.J.S.A. 40A:12-1 et. seq.; and

WHEREAS, Joseph D. and Dale M. Rutala are the current owners of such property and have offered to convey the property to the Township of Downe at no cost or \$1.00 nominal consideration; and

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

WHEREAS, the acquisition of such Property will fulfill the primary goal of the Township with regard to the preservation of the Township's character and provide possible land necessary for the ongoing beach, road and bulkhead protection projects.

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 property as follows:

Block 1, Lot 51 owned by Joseph D. and Dale M. Rutala

SECTION TWO - AUTHORITY OF AGENTS

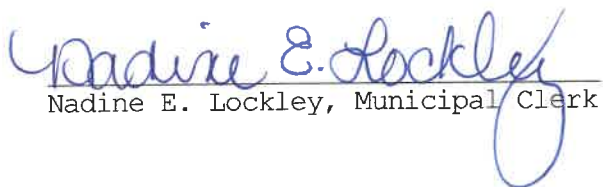
The Mayor, Township Administrator, Township Engineer, Township Attorneys and such other officials, employees and agents of the Township of Downe, specifically including, but not limited to professional appraisers, environmental experts, consulting engineers, surveyors and similar professionals as are appropriate, are hereby authorized and directed to execute such documents and to perform all other acts necessary to negotiate 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 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 in excess of \$1.00 as 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 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 of the real property.

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Downe that the Township shall be authorized to accept a deed with respect to the transfer of the aforesaid property to the Township of Downe from the current owner as aforesaid and to ensure that the deed is properly executed and recorded.

ADOPTED at a regular meeting of the Township Committee of the Township of Downe held on the 8th day of November 2021, at 7:00 P.M.


Nadine E. Lockley, Municipal Clerk


Michael L. Rothman, Mayor

Notice is hereby given that the foregoing ordinance was introduced and passed on first reading at a Regular Meeting of the Township Committee of the Township of Downe in the County of Cumberland on November 8, 2021. The public hearing and second reading for final adoption will be held by said Committee at a Regular Meeting on Monday, December 13, 2021, at 7:00 p.m. in the Meeting Room of the Municipal Complex, 288 Main Street, Newport, NJ 08345 at which time any interested person will be given an opportunity to be heard.



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

RECORD FOR ORDINANCE # 2021-11

Introduce Ordinance on First Reading

Motion: CAMPBELL

Second: BYRNE

Introduce Ordinance / First Reading Date: November 8, 2021

Ordinance Published: November 12, 2021

Ordinance Posted: November 9, 2021

Public Hearing / Second Reading Date: December 13, 2021

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

Final Adoption Date: December 13, 2021

Notice of Final Passage Published: December 17, 2021

Notice of Final Passage Posted:

December 13, 2021
Date

Nadine E. Lockley
Nadine E. Lockley, Municipal Clerk