

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

ORDINANCE NO. 2022-02

**AN AMENDMENT TO ORDINANCE 2019-9 AUTHORIZING AND DIRECTING THAT
BLOCK 114, LOT 2 OWNED BY JOHN MICHAEL CARNEY 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, by Ordinance 2019-9, the Township of Downe has previously authorized obtaining Block 114, Lot 2 and now seeks to amend that Ordinance to clarify the necessary purpose for the property; and

WHEREAS, John Michael Carney is the owner of record of certain land situated in the Township of Downe (hereinafter referred to as "the Township") and designated as Block 114, Lot 2 having a legal address of New Jersey Avenue, Fortescue, 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 part of an infrastructure project to protect the roadways, utilities and land in general on behalf of the Township of Downe; and

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

WHEREAS, the acquisition of such Property to be utilized as part of an infrastructure project to protect the township roadways, utilities and land from encroaching seawater and tides.

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 114, Lot 2 owned by John Michael Carney for the public use to locate, operate and maintain necessary infrastructure to protect the public roadways, utilities and land.

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 project to protect roadways, utilities and land 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.

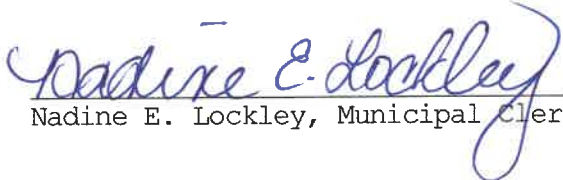
Section Two. Severability. If any part or parts of this Ordinance are held to be invalid for any reason such decision shall not affect the validity of the remaining portions of this Ordinance.

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

DATE: MARCH 14, 2022

TOWNSHIP OF DOWNE

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 14th day of March, 2022 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 # 2022-2

Introduce Ordinance on First Reading

Motion: CAMPBELL

Second: JORDAN

Introduce Ordinance / First Reading Date: FEBRUARY 14, 2022
 Ordinance Published: FEBRUARY 17, 2022
 Ordinance Posted: FEBRUARY 14, 2022
 Public Hearing / Second Reading Date: MARCH 14, 2022

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: CAMPBELL

Second: JORDAN

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

Final Adoption Date: MARCH 14, 2022
 Notice of Final Passage Published: MARCH 18, 2022
 Notice of Final Passage Posted: MARCH 14, 2022

March 14, 2022
 Date

Nadine E. Lockley
 Nadine E. Lockley, Municipal Clerk