

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

ORDINANCE NO. 2023-01

**AN ORDINANCE AUTHORIZING THE ACQUISITION OF PROPERTY KNOWN AS RAYBINS
BEACH (BLOCK 143, LOT 4) 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, Howard Montgomery is the owner of record of certain land situated in the Township of Downe (hereinafter referred to as "the Township") and designated as Block 143, Lot 4 having a legal address of Raybins Beach, 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, Howard Montgomery is the current owner 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, Howard Montgomery passed away on May 31, 2020 and his children were appointed as co-executors of the estate and wish to donate the property to the Township; 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 Wastewater Treatment Plant.

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 143, Lot 4 owned by The Estate of Howard Montgomery

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.

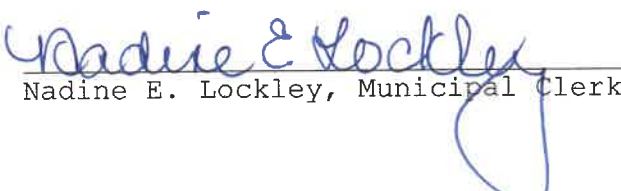
ADOPTED at a regular meeting of the Township Committee of the Township of Downe held on the 13th day of February, 2023, at 7PM.

BY: 
Michael L. Rothman, Mayor


Nadine E. Lockley, Municipal Clerk

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 February 13, 2023. The public hearing and second reading for final adoption will be held by said Committee at a Regular Meeting on Monday, March 13, 2023 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.

ATTEST:


Nadine E. Lockley, Municipal Clerk


Michael L. Rothman, Mayor



TOWNSHIP OF DOWNE
CUMBERLAND COUNTY, NEW JERSEY

RECORD FOR ORDINANCE # 2023-1

Introduce Ordinance on First Reading

Motion: CAMPBELL

Second: BYRNE

Introduce Ordinance / First Reading Date: February 13, 2023

Ordinance Published: February 17, 2023

Ordinance Posted: February 13, 2023

Public Hearing / Second Reading Date: March 13, 2023

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: CAMPBELL

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 13, 2023

Notice of Final Passage Published: MARCH 17, 2023

Notice of Final Passage Posted: MARCH 13, 2023

March 13, 2023

Date

Nadine E. Lockley

Nadine E. Lockley, Municipal Clerk