

ORDINANCE NO. 18-2016

AN ORDINANCE OF THE TOWNSHIP OF ABERDEEN IN THE COUNTY OF MONMOUTH, NEW JERSEY, AUTHORIZING THE ACQUISITION OF EASEMENT INTERESTS, TO SUCH PROPERTIES KNOWN AS BLOCK 172 LOT 11; BLOCK 167 LOT 14, 15, AND 16; BLOCK 167 LOTS 17 AND 18; BLOCK 167 LOT 13; BLOCK 164 LOT 10; BLOCK 163 LOTS 5 AND 6; BLOCK 166 LOTS 5; BLOCK 165 LOT 12; BLOCK 166 LOTS 1 AND 2 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF ABERDEEN, MONMOUTH COUNTY, STATE OF NEW JERSEY FOR THE PURPOSES OF THE ROSE STREET PORTION OF THE 2014 ROADWAY IMPROVEMENT PROGRAM

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Township of Aberdeen (“Township”) is authorized to adopt an Ordinance for the preservation of public health, safety and welfare; and

WHEREAS, pursuant to N.J.S.A. 40A:12-1 et seq., the Township has the power to acquire real property and/or interests in land for a public purpose through negotiated agreement or by the exercise of its powers of eminent domain; and

WHEREAS, the Township desires to install, repair, operate, test, construct, reconstruct, inspect, use, replace, improve, and/or maintain Roadway improvements for the Rose Street portion of 2014 Roadway Improvement Program (the “Project”); and

WHEREAS, in order to carry out the Project, it is necessary that the Township acquire easement interests over, upon, through, under and across a portion of properties to complete the Project and any other appurtenances installed on such lands known as Block 172 Lot 11; Block 167 Lot 14, 15, and 16; Block 167 Lots 17 and 18; Block 167 Lot 13; Block 164 Lot 10; Block 163 Lots 5 and 6; Block 166 Lot 5; Block 165 Lot 12; Block 166 Lots 1 and 2 on the Official Tax Map of the Township of Aberdeen, Monmouth County, State of New Jersey (the “Properties”), as further described on the maps of the proposed easements and in the metes and bounds descriptions, attached hereto and made a part hereof as **Exhibit A**; and

WHEREAS, the Township Council of the Township of Aberdeen has determined that, since the contemplated Project would improve the Roadway system throughout the Township, it would serve a public purpose and be to the benefit of the health, welfare and safety of the Township’s citizens for the Township to acquire the Properties and/or any interests thereto; and

NOW, THEREFORE BE IT ORDAINED, by the Township Council of the Township of Aberdeen, County of Monmouth and State of New Jersey that:

1. The Township is authorized to acquire by negotiation and/or by the exercise of its power of eminent domain certain lands and/or interests over, upon, through, under and across a portion of such lands known as Block 172 Lot 11; Block 167 Lot 14, 15, and 16; Block 167 Lots 17 and 18; Block 167 Lot 13; Block 164 Lot 10; Block 163 Lots 5 and 6; Block 166 Lots 5; Block 165 Lot 12; Block 166 Lot 1 and 2 on the Official Tax Map of the Township of Aberdeen, Monmouth County, State of New Jersey (the “Properties”), for the Rose Street Portion of the 2014 Roadway Improvement Program and the purposes described hereinabove, be and is hereby authorized and approved; and

2. The Township Attorney and the Township Manager are hereby authorized to take any and all actions necessary to acquire the Property and/or any interests thereto, either through negotiation or the exercise of the Township's powers of eminent domain; and

3. Through negotiated agreement the Township shall pay the fair and reasonable consideration for the acquisition of the certain lands and/or interests; and

4. Alternatively, through eminent domain, the Township shall pay the fair market value for the acquisition of the Property and/or any interests thereto, which value shall be determined by an appraisal report prepared on behalf of the Township by a recognized and qualified licensed appraiser; and

5. The Mayor and Township Clerk are hereby authorized to, respectively, execute and witness any documents or instruments necessary to acquire the Property and/or any interests thereto; and

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

PASSED:

ADOPTED:

KAREN VENTURA,
MUNICIPAL CLERK

FRED TAGLIARINI,
MAYOR

DATE:_____