ORDINANCE NO. 2016-7

ORDINANCE OF THE TOWNSHIP OF OCEAN, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION OF CERTAIN INTERESTS IN REAL PROPERTIES BY NEGOTIATION, PURCHASE, CONDEMNATION OR EMINENT DOMAIN, SAID PROPERTIES BEING KNOWN AND DESIGNATED AS BLOCK 181.08, LOTS 7 AND 7.01, AKA 96 BRYANT ROAD, WARETOWN, NEW JERSEY

WHEREAS, the Mayor and the Township Committee of the Township of Ocean, County of Ocean, State of New Jersey (hereinafter referred to as the "Township") have concluded that it is necessary, desirable and appropriate for the Township to undertake acquisition of property known and designated ast Block 181.08, Lots 7 and 7.01, a/k/a 96 Bryant Road, Waretown, New Jersey (the "Property"); and

WHEREAS, the subject property, which the Township believes it must acquire, is currently in private ownership; and

WHEREAS, the Township believes it appropriate and necessary to acquire this property which is bay front, but was previously damaged as a result of Superstorm Sandy, to utilize the property for recreation purposes in order to best serve the residents and tax payers of the Township; and

WHEREAS, the Township further finds that public use and purpose would be served for the benefit of the Township and surrounding communities by acquiring the property, in fee, in order to best promote, protect and preserve the public health, safety, and welfare of the Township and its inhabitants, as it adjoins other bay front lands owned by the Township and devoted to recreational purposes; and

WHEREAS, the Township is authorized by the New Jersey State Constitution, N.J.S.A. 40A:12-5(a), N.J.S.A. 20:3-1, *et seq.*, and/or any other provision of applicable law to proceed with acquiring certain property interests by condemnation/eminent domain as long as just compensation is paid for the same.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the Township Committee of the Township of Ocean, County of Ocean and State of New Jersey as follows:

1. **RECITALS INCORPORATED**: The above recitals are incorporated into this section of the Ordinance as if specifically set forth at length herein.

2. **SPECIFIC FINDINGS**: The Township finds that the acquisition will promote and protect the health, safety, and welfare of residents of the Township, and further find that any purchase or taking by eminent domain of any and all property interests necessary for the same are all in the furtherance of a public use and purpose.

3. **AUTHORIZE CONDEMNATION**: The Township specially authorize any and all necessary and appropriate actions by Township officials including the Mayor, Township Clerk, Township Attorney, and/or Special Condemnation Attorney, in conjunction with the New Jersey Department of Environmental Protection and/or any other appropriate State or Federal entity, for the taking and obtaining of certain property interests in the properties as set forth herein through negotiation, purchase, or condemnation/eminent domain, including, but not limited to, the hiring of any experts, engaging the services of land surveyors, title insurance companies, appraisers, and any other professional whose services are necessary or appropriate to implement the purposes of this Ordinance, the making of any offer by the Township to the property owner(s) in the full amount of the appraised value of the property interest that the Township seeks to acquire in said property, and to negotiate in good faith with the record owner(s) of the property for its voluntary acquisition in accordance with N.J.S.A. 20:3-6, and in the event that the negotiations for the voluntary acquisition of the property interest are unsuccessful for any reason to commence a condemnation action by the filing of a Verified Complaint and Declaration of Taking, depositing the estimated just compensation with the Clerk of the Superior Court, filing a Lis Pendens, and taking any and all other actions of any administrative or other nature necessary to complete the process contemplated by this Ordinance.

4. **IDENTIFICATION OF PROPERTY**: The property for which a taking of property interests is authorized by negotiation, purchase, or condemnation/eminent domain pursuant to this Ordinance are located in the Township and listed on the Township tax map as Block 181.01, Lots 7 and 7.01, a/k/a 96 Bryant Road, Waretown, New Jersey, being approximately 0.36 acres (15,623 sq. ft.) and located in the Waterfront Development Zone. The property interests to be acquired are irrevocable, perpetual acquisitions of the property in fee.

5. **OFFICIALS AUTHORIZED**: All appropriate officials of the Township, including, but not limited, to the Mayor, Township Clerk, Attorney, Special Condemnation Attorney, and any and all experts or others acting on behalf of the Township are authorized by this Ordinance to sign any and all documentation and take any and all action necessary to effectuate the purposes and intention of this Ordinance.

6. **PURCHASE OF PROPERTY**: If a determination is made by a majority vote of the Township Council that the purchase of an easement is more appropriate than the obtaining said property interest through condemnation/eminent domain, then all appropriate officials of the Township, including, but not limited to, the Mayor, Township Clerk, Township Attorney, and Special Condemnation Attorney are authorized by this Ordinance to sign any and all documentation to effectuate the purchase of the property interests by the Township.

7. **REPEALER**: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

8. **SEVERABILITY**: If any section, paragraph, subdivision, subsection, clause, or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause, or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.

9. **EFFECTIVE DATE**: This Ordinance shall take effect immediately upon final adoption and publication as required by law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed upon first reading at a regular meeting of the Township Committee of the Township of Ocean, in the County of Ocean and State of New Jersey held on the **14th day of April, 2016** at 6:30 p.m., and said Ordinance will be considered for final passage on the **12th day of May, 2016** at 6:30 p.m., or as soon thereafter as said matter may be reached, at which time and place all persons interested will be given an opportunity to be heard.

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DIANE B. AMBROSIO, RMC, Township Clerk

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