

ORDINANCE O.2092-2021

EXPLANATION: An Ordinance Authorizing the Acquisition of Easements for the drainage project affecting properties on Calvert Avenue & Abbott Court and Wayne & Huntington Road Identified on the Tax Maps of the Township of Edison as Block 557.BB, Lot 7.N3; Block 557.BB, Lot 7.N5; Block 557.BB, Lot 8.V; Block 557.BB, Lot 7.M; Block 557.T, Lot 36; Block 557.T, Lot 35; Block 557.T, Lot 5; Block 557.T, Lot 6 by Exercise of the Power of Eminent Domain

WHEREAS, pursuant to *N.J.S.A. 40A:12-5(a)(1)* the Township of Edison (the “Township”) is authorized to acquire any real property, capital improvement, or personal property by purchase, gift, devise, lease, exchange, condemnation, or installment purchase agreement; and

WHEREAS, in order to facilitate and undertake the drainage project that is planned for the area of Calvert Avenue & Abbott Court, and Wayne & Huntington Road (the “Drainage Project”), the Township must acquire permanent and temporary construction easements on and/or along certain properties located in the Township which are identified on the tax maps as Block 557.BB, Lot 7.N3; Block 557.BB, Lot 7.N5; Block 557.BB, Lot 8.V; Block 557.BB, Lot 7.M; Block 557.T, Lot 36; Block 557.T, Lot 35; Block 557.T, Lot 5; Block 557.T, Lot 6 (collectively, the “Properties”); and

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the Township of Edison as follows:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The Township is hereby authorized to exercise its power of eminent domain pursuant to *N.J.S.A. 40A:12-5(a)(1)* to acquire the Properties, as listed on Exhibit A (attached hereto), in accordance with the provisions of the Eminent Domain Act of 1971, *N.J.S.A. 20:3-1 et seq.*

Section 3. The Mayor, Business Administrator and Township Attorney are hereby authorized and directed to take, or cause to be taken, any and all actions that are necessary to acquire easements on or along the Properties by negotiated purchases or condemnation proceedings, including but not limited to obtaining any studies, surveys, tests, soundings, borings, appraisals and title searches, as necessary to determine the value, boundary, ownership and other property interests or environmental condition of the Properties, and to take any action required to obtain fee simple title or a lesser interest of the Properties, as deemed necessary.

Section 4. Any and all prior actions taken by the Township, its officials, employees and agents in furtherance of the acquisition of the Properties are hereby ratified.

Section 5. If any part(s) of this ordinance shall be deemed invalid, such part(s) shall be severed and the invalidity thereof shall not affect the remaining parts of this ordinance.

Section 6. This ordinance shall take effect in accordance with applicable law.

FIRST READING **January 11 2021**
FINAL READING **January 25, 2021**