

ORDINANCE 23-21

ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HOWELL AUTHORIZING THE ACQUISITION BY NEGOTIATION OR EMINENT DOMAIN OF REAL PROPERTY DESIGNATED AS BLOCK 39, LOT 1 ON THE TAX MAP OF THE TOWNSHIP OF HOWELL

WHEREAS, Local Lands and Buildings Law, *N.J.S.A.* 40A:12-5, *et seq.*, as amended, authorizes municipalities to acquire any real property by purchase, gift, devise, lease, exchange, condemnation, or installment purchase agreement; and

WHEREAS, the owner of record has expressed interest in negotiating with the Township of Howell to permit the Township to acquire the property located at 3071 Lakewood Allenwood Road, Howell, NJ (“Block 39, Lot 1”); and

WHEREAS, the Township and owner of record have begun to engage in negotiations, but have not finalized a sale of the property; and

WHEREAS, the Township Council of the Township of Howell hereby determines that it is necessary and in the public interest to acquire certain property located at 3071 Lakewood Allenwood Road, Howell, NJ (“Block 39, Lot 1”) for various municipal purposes; and

WHEREAS, the governing body desires to formally authorize the acquisition of the property and the institution of eminent domain proceedings, if necessary, in order to acquire title of the subject property.

NOW THEREFORE BE IT ORDAINED by the Township Council of Township of Howell, County of Monmouth, 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. **FINDINGS**: The Mayor and Township Council find that it is in the best interests of the Township to acquire the property at Block 39, Lot 1 on the tax map of the Township of Howell.

3. **AUTHORIZE ACQUISITION OF PROPERTY:** The Mayor and Township Council of the Township of Howell hereby authorize any and all necessary and appropriate actions by municipal officials including the Mayor, Municipal Clerk and Municipal Attorney, for the taking and obtaining of the property 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 municipality to the property owner 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 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 is authorized by negotiation, purchase, or condemnation/eminent domain pursuant to this Ordinance is designated as Block 39, Lot 1 on the tax map Township of Howell.
5. **OFFICIALS AUTHORIZED:** All appropriate officials of the municipality, including, but not limited, to the Mayor, Municipal Clerk, Municipal 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. **REPEALER:** All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.
7. **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.
8. **EFFECTIVE DATE:** This Ordinance shall take effect immediately upon final adoption and publication as required by law.

BE IT FURTHER RESOLVED that a copy of this Ordinance, certified by the Township

NOTICE

The Ordinance published herewith was introduced and passed on first reading by the Township Council of the Township of Howell on June 13, 2023 and will be further considered for final passage and adoption at the Township Municipal Building at 4567 Rt. 9 North, Howell, New Jersey on July 18, 2023 at 7:00 p.m. or as soon thereafter as the matter can be reached on the Agenda, at which time and place all persons interested therein shall be given an opportunity to be heard and during the week prior thereto, and up to, and including, the date of such meeting, copies of said Ordinance will be available at the Clerk's Office in the Township of Howell Municipal Building to the members of the general public who shall request same.

Introduction:

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Fischer</i>			X			
<i>Councilman Gasior</i>	X		X			
<i>Councilman Nadel</i>		X	X			
<i>Deputy Mayor O'Donnell</i>			X			
<i>Mayor Berger</i>			X			

I, Diane Festino, Municipal Clerk of the Township of Howell, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Mayor and Township Council, at its Meeting held June 13, 2023. WITNESS my hand this 14th day of June 2023.

Diane Festino

DIANE FESTINO, Municipal Clerk

This is to certify that the foregoing Ordinance was adopted by the Township Council at a regular meeting of the Township of Howell held on July 18, 2023.

Adoption:

COUNCIL	MOTION	2ND	AYES	NAYS	ABSTAIN	ABSENT
<i>Councilwoman Fischer</i>		X	X			
<i>Councilman Gasior</i>	X		X			
<i>Councilman Nadel</i>			X			
<i>Deputy Mayor O'Donnell</i>			X			
<i>Mayor Berger</i>						X

I, Diane Festino, Municipal Clerk of the Township of Howell, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Mayor and Township Council, at its Meeting held July 18, 2023. WITNESS my hand this 19th day of July 2023.

Diane Festino

DIANE FESTINO, Municipal Clerk

Explanatory Statement: This ordinance authorizes the acquisition by negotiation or eminent domain of real property as Block 39 Lot 1 to be used for municipal purposes.