

**AN ORDINANCE
2127-2023**

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PERTH AMBOY, IN THE COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AUTHORIZING THE ACQUISITION OF CERTAIN PROPERTY LOCATED IN THE AREA OF ROUTE 35 AND RIVERVIEW DRIVE AND OWNED BY THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR PUBLIC USE

WHEREAS, *N.J.S.A. 40A:12-1 et seq.* (the "**Local Lands and Buildings Law**"), allows a municipality to acquire by purchase, gift, devise, lease, exchange, condemnation or installment purchase agreement any real property; and

WHEREAS, the New Jersey Department of Transportation (the "**NJDOT**") is the owner of certain property identified as Parcel V48, located in the area of Route 35 and Riverview Drive in the City of Perth Amboy (the "**City**"), and as more particularly described in the legal description and map attached hereto as Exhibit A (the "**Property**"); and

WHEREAS, the City desires to acquire, and the NJDOT wished to convey, fee simple title or a lesser interest in the Property; and

WHEREAS, pursuant to *N.J.S.A. 40A:12-5(a)(1)*, the City is authorized to acquire the Property from the NJDOT for a public purpose; and

WHEREAS, the City Council has determined to authorize the acquisition of the Property, subject to any easements, rights or encumbrances reserved by NJDOT, and subject to the City's removal of any and all of the City's encroachments within NJDOT's right of way near the Victory Bridge, all as more fully set forth in Exhibit A hereto.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF CITY OF PERTH AMBOY, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, AS FOLLOWS:

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

Section 2. The Mayor and Business Administrator (collectively, the "**Authorized Persons**") are hereby authorized and directed to take, or cause to be taken, any and all actions necessary to acquire fee simple or lesser title to the Property.

Section 3. The acquisition of the Property may be achieved by consummation of an Agreement of Sale between the NJDOT and the City,

subject to any conditions set forth therein, and all conditions set forth herein, and as more fully set forth in Exhibit A hereto.

Section 4. Any and all actions previously taken by the Authorized Persons in connection with the acquisition of the Property 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 resolution.

Section 6. This ordinance shall take effect immediately.

MILADY TEJEDA
Council President

ATTEST:
VICTORIA ANN KUPSCH
City Clerk

APPROVED AS TO FORM:
WILLIAM P. OPEL
Director of Law

Adopted on Second and Final Reading: November 20, 2023