

# ADOPTED ORDINANCE CITY OF RAHWAY, NEW JERSEY

No. O-09-24

**AN ORDINANCE OF THE CITY OF RAHWAY, COUNTY OF UNION, STATE OF NEW JERSEY, TO ACQUIRE, BY NEGOTIATED AGREEMENT OR EXERCISE OF THE POWER OF EMINENT DOMAIN PORTIONS OF REAL PROPERTY FOR IMPROVEMENTS, RIGHTS OF WAY AND TEMPORARY CONSTRUCTION EASEMENTS REQUIRED FOR THE “WITHERSPOON STREET OUTFALL IMPROVEMENTS” PROJECT KNOWN AND DESIGNATED AS PORTIONS OF TAX BLOCK 343, LOTS 2.01 AND TAX BLOCK 344 LOT 1 ON THE OFFICIAL TAX MAP OF THE CITY OF RAHWAY**

**WHEREAS**, pursuant to the Local Land and Building Law, N.J.S.A. 40A:12-1, et seq., the City of Rahway (the “City”) has the power to acquire real property; and

**WHEREAS**, pursuant to N.J.S.A. 40A:12-5, the City has the power to acquire any real property for a public purpose through a negotiated agreement process; and

**WHEREAS**, pursuant to N.J.S.A. 20:1-1, et seq., the City has the power to acquire interests in real property through the exercise of the power of eminent domain though condemnation; and

**WHEREAS**, the City is working with the Department of Environmental Protection and Bureau of Tidelands Management on the project known as the “Witherspoon Street Outfall Improvements” (the “Project”); and

**WHEREAS**, the Project requires the acquisition of interests in properties in the form of Right-of-Way Easements and Temporary Construction Easements; and

**WHEREAS**, the City desires to acquire interests in certain lands as shown herein:

1. Parcel 1 (TCE-1) – part of (hereinafter “p/o”) Lot 1, Block 344 consisting of a temporary construction easement on said parcel of approximately 560 square feet needed for proposed slope stabilization and armoring encroachments;
2. Parcel 2 (TCE-2) – p/o Lot 1, Block 344 consisting of a temporary construction easement on said parcel of approximately 915 square feet needed for proposed grading and stabilization.
3. Parcel 3 (PARCEL-3) – p/o Lot 2.01, Block 343 consisting of a permanent roadway easement on said parcel of approximately 735 square feet needed for roadway maintenance;

**NOW, THEREFORE, BE IT ORDAINED**, by the City Council of the City of Rahway, County of Union, State of New Jersey:

1. The acquisition by negotiated agreement or exercise of the power of eminent domain through condemnation of the following interests in properties is hereby authorized for the purposes of the Witherspoon Street Outfall Improvements in the City of Rahway:
2. The City Attorney and Business Administrator are hereby authorized to take all actions necessary to acquire the above referenced property interests through negotiations or condemnation.
3. The Mayor and Clerk are hereby authorized to sign and witness, respectively, any contract of sale or other documents necessary to acquire the interests in the properties listed.

**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 in effect; and

**BE IT FURTHER ORDAINED**, that any ordinance or parts thereof in conflict with the provisions of this Ordinance are hereby 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.

**SO, ORDAINED** as aforesaid.

**MOTION:** Newbury      **SECOND:** Entire Council  
**YES:** Councilmembers Brooks, Brown, Mojica,  
Newbury, Parker, Timmons  
**NO:** None  
**ABSTAIN:** None  
**ABSENT:** Councilmembers Gibilisco, Miles, Parson

**INTRODUCTION:** March 11, 2024  
**ADOPTION:** April 8, 2024



*Vannie D. Parson*  
Vannie D. Parson, Council President

*Raymond A. Giacobbe*  
APPROVAL Raymond A. Giacobbe, Mayor

*Heather Capone*  
ATTEST Heather Capone, City Clerk