ORDINANCE NO. 04-20

AN ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY LOCATED AT BLOCK 11102, LOT 1, MORE COMMONLY KNOWN AS 115 SHIPPENPORT ROAD, IN THE TOWNSHIP OF ROXBURY, COUNTY OF MORRIS AND STATE OF NEW JERSEY

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, et seq., provides that a municipality may, by ordinance, provide for the acquisition of real property or an interest therein by purchase, gift, devise, lease, exchange, or condemnation in the manner provided in the Eminent Domain Act, N.J.S.A. 20:3-1, et seq.; and

WHEREAS, the Township Council of the Township of Roxbury (hereinafter referred to as "Township") has determined that it is in the best interest of the Township to acquire a portion of Block 11102, Lot 1, more commonly known as 115 Shippenport Road, Roxbury, New Jersey for use as a right-of-way and temporary construction easement; and

WHEREAS, a legal description of the property to be acquired for right-of-way and temporary construction easement purposes is attached hereto as Exhibit A (hereinafter referred to as "Subject Property"); and

WHEREAS, the size of the Subject Property to be acquired for right-of-way purposes is approximately 0.016 acres, or 697 square feet, and the size of the property to be acquired for a temporary construction easement is 0.03 acres, or 1,307 square feet (hereinafter collectively referred to as "Interests"); and

WHEREAS, the Township has obtained an appraisal dated August 15, 2019, prepared by Newark Knight Frank Valuation and Advisory, LLC, which has determined that the value of the Subject Property and Interests to be acquired is $9,700.00 (Nine Thousand Seven-Hundred Dollars); and

WHEREAS, the Township has attempted to engage in bona fide negations with the owner of the Subject Property to acquire said Subject Property and Interests as required by N.J.S.A. 20:3-6; and;

WHEREAS, most recently, by correspondence dated November 26, 2019 the Township made a formal offer to purchase the Subject Property and Interests in an amount of $10,600.00 (Ten Thousand Six-Hundred Dollars), said offer having included a copy of the aforementioned appraisal report for the purpose of conducting bona fide negotiations with the owner; and

WHEREAS, the owner of the Subject Property has been unresponsive to the Township's offer and has not engaged in bona fide negotiations; and

WHEREAS, the Township now desires to initiate condemnation proceedings to acquire the Subject Property and Interests in accordance with the Eminent Domain Act, N.J.S.A. 20:3-1, et seq.;

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Roxbury, in the County of Morris and State of New Jersey, as follows:

Section 1. The Township of Roxbury hereby authorizes the Township Attorney, Township Manager and such other Township Officials, Officers and Agents as are appropriate to commence proceedings pursuant to the Eminent Domain Act, N.J.S.A. 20:3-1, et seq. to acquire the Subject Property and Interests as aforesaid and undertake all necessary and lawful efforts to effectuate the purpose of this Ordinance and to deposit with the Superior Court of New Jersey the sum of $10,600.00 as is required by law.

Section 2. No debt is to be authorized by the enactment and passage of this Ordinance.

Section 3. All ordinances of the Township of Roxbury, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

Section 4. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

Section 5. This Ordinance shall take effect upon final passage and publication as required by law.

INTRODUCED: February 11, 2020
ADOPTED: February 25, 2020

Attest:

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Amy E. Rhead, RMC
Township Clerk

EFFECTIVE: March 24, 2020