

ORDINANCE 2020-18

AN ORDINANCE AUTHORIZING THE ACQUISITION BY PURCHASE OR CONDEMNATION OF AN EASEMENT INTEREST IN A PORTION OF REAL PROPERTY LOCATED AT 138 BERNARD DRIVE, BLOCK 147.92, LOT 13.

WHEREAS, in accordance with N.J.S.A. 40A:12-5(a)(1) “any municipality by ordinance may provide for the acquisition of any real property, capital improvement, or personal property: (1) by purchase, gift, devise, lease exchange, or condemnation;” and

WHEREAS, there is a need to improve the stormwater facilities in the area along Brigantine Road; and

WHEREAS, Owen, Little & Associates, Inc., has designed a proposed upgrade and revisions to the drainage system to improve capacity, which improvements will require the Township to acquire a drainage easement over a portion of property located at 138 Bernard Drive, Block 147.92, Lot 13 as identified in the attached parcel descriptions by metes and bounds, in the Township of Stafford; and

WHEREAS, based upon the goal of mitigating the impact of stormwater in the area and mitigating the risk of flooding due to the presence of stormwater in the area and in consultation with the Township’s consulting engineers, the Township has identified the property located at 138 Bernard Drive as necessary locations on which to locate certain improvements related to the proposed flood mitigation project; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Township Committee:

1. The owner of 138 Bernard Drive has agreed to grant a temporary construction easement together with a drainage easement in a portion of 138 Bernard Drive to the Township for the purpose of maintaining surface drainage and/or installing and maintaining surface and subsurface drainage facilities for consideration of one dollar (\$1.00).
2. The rights and obligations of the owner of 138 Bernard Drive and the Township with and the legal description of this drainage easement are fully described in a “Drainage Deed of Easement” agreement to be executed subsequent to the passage of this ordinance.
3. In the event that the Township is unable to acquire an easement interest in the property through good faith negotiation, the Township is authorized to file an action in the Superior Court to acquire the same through condemnation in accordance with the Eminent Domain Act of 1971, N.J.S.A. 20:3-1 et seq. and pursuant to N.J.S.A. 40A:12-5(a)(1).
4. This ordinance shall take effect after final passage and publication as provided by law.