

**ORDINANCE 2020-33**

**AN ORDINANCE AUTHORIZING THE ACQUISITION BY PURCHASE OR  
CONDEMNATION OF AN EASEMENT INTEREST IN A PORTION OF REAL  
PROPERTY LOCATED AT 39 WILLARD DRIVE, BLOCK 164, LOT 455.**

**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 Willard Drive; 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 39 Willard Drive, Block 164, Lot 455 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 39 Willard 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 39 Willard Drive has agreed to grant a temporary construction easement together with a drainage easement in a portion of 39 Willard 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 39 Willard 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.

### NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Council on first reading at a meeting of the Township Council of the Township of Stafford held on the 13th day of October 2020, and will be considered for second reading and final passage at a regular meeting of the Township Council to be held on the 27th day of October 2020 at 7:00PM, at the Municipal Building located at 260 East Bay Avenue, Manahawkin, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

  
Linda Martin Township Clerk

### CERTIFICATION

I, Linda Martin, Acting Municipal Clerk of the Township of Stafford, do hereby certify that the foregoing ordinance was duly adopted on second reading by the Stafford Township Council at a meeting held on the 27th day of October 2020.

  
Linda Martin, Township Clerk