

## **ORDINANCE 11, 2023**

### **AN ORDINANCE OF THE TOWNSHIP OF WEST AMWELL, COUNTY OF HUNTERDON, STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION OF REAL PROPERTY BY NEGOTIATION, PURCHASE, CONDEMNATION OR EMINENT DOMAIN, FOR THE PROPERTY KNOWN AS BLOCK 8, LOT 51, THE ADDRESS OF WHICH IS 2 ROCKTOWN-LAMBERTVILLE ROAD, WEST AMWELL, NEW JERSEY**

WHEREAS, the Mayor and the Township Committee of the Township of West Amwell, County of Hunterdon, State of New Jersey (hereinafter referred to as the "Township") have concluded that it is necessary, desirable and appropriate for the Township to undertake acquisition of a portion of property known and designated as Block 8, Lot 51, commonly known as 2 Rocktown-Lambertville Road, Township of West Amwell, County of Hunterdon, New Jersey; and

WHEREAS, subject portion of the property, which the Township believes it must acquire, is currently in private ownership; and

WHEREAS, by adoption of this Ordinance the Township authorizes the taking of a fee acquisition of a portion of the property, which is currently privately owned, by condemnation/eminent domain so that the Township and other entities or agents acting on behalf of the Township shall have access onto, over and through said privately owned real property; and

WHEREAS, the Township further finds that public use and purpose would be served for the benefit of the Township and surrounding communities by acquiring the aforesaid portion of the property, including, but not limited to, the promotion, protection, and preservation of the public health, safety and welfare of the Township and its inhabitants; and

WHEREAS, the Township is authorized by the New Jersey State Constitution, N.J.S.A. 40A:12-5(a), N.J.S.A. 20:3-1, et seq., and/or any other provision of applicable law to proceed with acquiring certain property interests by condemnation/eminent domain, as long as just compensation is paid for the same.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the Township Committee of the Township of West Amwell, County of Hunterdon and State of New Jersey as follows:

#### **SECTION I.**

Recitals Incorporated: The above recitals are incorporated into this Section of the Ordinance as if specifically set forth at length herein.

#### **SECTION II.**

Specific Findings: The Mayor and Township Committee find that the acquisition will promote and protect the health, safety, and welfare of residents of the Township, and further find that any purchase or taking by eminent domain of any and all property interests necessary for the same are all in the furtherance of a public use and purpose.

#### **SECTION III.**

Authorize Condemnation: The Mayor and the Township Committee specially authorize any and all necessary and appropriate actions by Township officials including the Mayor, Township Clerk, Township Attorney, and/or any qualified designee, for the taking and obtaining of certain portion of the property interests in the property as set forth herein through negotiation, purchase, or condemnation/ eminent domain, including, but not limited to, the hiring of any experts, engaging the services of land surveyors, title insurance companies, appraisers, and any other professional whose services are necessary or appropriate to implement the purposes of this Ordinance, the making of any offer by the Township to the property owner(s) in the full amount of the appraised value of the property interest that the Township seeks to acquire in said property, and to negotiate in good faith with the record owner(s) of the property for its voluntary acquisition in accordance with N.J.S.A. 20:3-6, and in the event that the negotiations for the voluntary acquisition of the property interest are unsuccessful for any reason to commence a condemnation action by the filing of a Verified Complaint and Declaration of Taking, depositing the estimated just compensation with the Clerk of the Superior Court, filing a Lis Pendens, and taking any and all other actions of any administrative or other nature necessary to complete the process contemplated by this Ordinance.

#### SECTION IV.

Identification of Property: The portion of the property for which a taking of property interests is authorized by negotiation, purchase, or condemnation/ eminent domain pursuant to this Ordinance is located in the Municipality and listed on the Municipal tax map, the legal description of which is attached as Exhibit A to this Ordinance and specifically incorporated into this Ordinance by reference. The property interests to be acquired are irrevocable, perpetual, permanent easements and acquisition of certain parcels in fee, in the properties identified herein.

#### SECTION V.

Officials Authorized: All appropriate officials of the Municipality, including, but not limited, to the Mayor, Municipal Clerk, Municipal Attorney, and any qualified designee, and any and all experts or others acting on behalf of the Municipality are authorized by this Ordinance to sign any and all documentation and take any and all action necessary to effectuate the purposes and intention of this Ordinance.

#### SECTION VI.

Purchase of Property: If a determination is made by a majority vote of the Township Committee that the purchase of the portion of the property is more appropriate than the obtaining said property interest through condemnation/ eminent domain, then all appropriate officials of the Township, including, but not limited to, the Mayor, Municipal Clerk, Municipal Attorney, and any qualified designee are authorized by this Ordinance to sign any and all documentation to effectuate the purchase of the property interests by the Township.

#### SECTION VII.

Repealer: All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.

#### SECTION VIII.

Severability: If any section, paragraph, subdivision, subsection, clause, or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause, or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.

#### SECTION IX.

Effective Date: This Ordinance shall take effect immediately upon final adoption and publication, as required by law.

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Maria Andrews, R.M.C  
Township Clerk, Township of West Amwell

Introduced: 8/16/23  
Adopted: 9/6/23