

ORDINANCE 2019-11

BOROUGH OF HIGHTSTOWN
COUNTY OF MERCER
STATE OF NEW JERSEY

**AN ORDINANCE AUTHORIZING THE BOROUGH OF HIGHTSTOWN TO
ACQUIRE EASEMENTS FOR TEMPORARY CONSTRUCTION AND
PERMANENT ACCESS OVER CERTAIN REAL PROPERTIES LOCATED
WITHIN THE BOROUGH, IN CONNECTION WITH THE
STOCKTON STREET AND JOSEPH STREET IMPROVEMENT PROJECT.**

WHEREAS, on August 17, 2015, the Borough of Hightstown (the “Borough”) adopted Ordinance No. 2015-15, which represented a Bond Ordinance (the “Bond Ordinance”) and which provided funding for improvements to Stockton Street and Joseph Street (the “project”) in the Borough; and

WHEREAS, the Bond Ordinance appropriated the sum of \$430,000.00 for the project and authorized the issuance of \$430,000.00 in bonds or notes of the Borough to finance part of the cost thereof; and

WHEREAS, the Borough is also receiving federal funds for the project; and

WHEREAS, in order to facilitate the project, it will be necessary for the Borough to acquire easements for temporary construction and permanent access across three (3) properties located within the Borough; and

WHEREAS, the affected properties include the following:

1. 369 Stockton Street (Block 47.01, Lot 1)
Owner(s) of record: Hector Torres & Transito Torres
Area of necessary easement: 40.5 s.f.;
2. 401 Stockton Street (Block 49, Lot 1)
Owner(s) of record: Douglas F. & Colleen Bean Noebels
Area of necessary easement: 122 s.f.;
3. 101 Joseph Street (Block 47, Lot 7)
Owner(s) of record: Gary Evers & Karin Lowery
Area of necessary easement: 2 s.f.; and

WHEREAS, copies of the individual parcel maps depicting the areas of the above-referenced properties which are needed to be acquired, by easement, relating to the project are attached to the within Ordinance and are made a part hereof (copies are on file in the office of the Borough Clerk); and

WHEREAS, pursuant to the New Jersey “Local Lands and Buildings Law,” N.J.S.A. 40A:12-1, *et seq.*, a municipality may acquire any real property, capital improvement, personal property, or any interest or estate whatsoever therein, by purchase, gift, devise, lease, exchange, condemnation, or installment purchase agreement, pursuant to the adoption of an Ordinance;

WHEREAS, the Mayor and Council have determined that it would be in the best interests of the health, safety and welfare of the residents of the Borough, and the general public, to move forward to acquire easements for

temporary construction and permanent access upon and across each of the above-referenced properties (as depicted in the attached) in order to facilitate the project.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Hightstown, in the County of Mercer and State of New Jersey, as follows:

Section 1. That, pursuant to N.J.S.A. 40A:12-1, *et seq.* the Borough is hereby authorized to acquire easements for temporary construction and permanent access upon and across each of the above-referenced properties (as depicted in the attached) in order to facilitate the project. This authorization includes utilization of the power of condemnation/eminent domain, if necessary, in accordance with N.J.S.A. 20:3-1, *et seq.*, in those circumstances where the easement(s) cannot be acquired through amicable negotiations.

Section 2. That any and all costs and expenses associated with said acquisitions shall be funded by the Bond Ordinance.

Section 3. That the Borough Attorney is hereby authorized and directed to prepare the necessary deeds of easement for each of the above-referenced properties. That the Borough Attorney is also authorized to institute proceedings before the Superior Court of New Jersey in order to acquire the easement(s) through the power of condemnation/eminent domain, in accordance with N.J.S.A. 20:3-1, *et seq.*, in any circumstance where the easement(s) cannot be obtained through amicable negotiations.

Section 4. That all relevant Borough officials are authorized to execute any documents that are necessary in order to effectuate the acquisition of the necessary easements concerning the above properties, either through amicable negotiations or through the power of condemnation/eminent domain, so long as said documents are in a form satisfactory to the Borough Attorney.

Section 5. That all relevant Borough officials are authorized to undertake all necessary activities in furtherance of the intentions of the within Ordinance.

Section 6. That this Ordinance shall become effective immediately upon final passage and publication in accordance with the law.

Section 7. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 8. That, in the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected.

Introduction: June 18, 2019

Adoption:

ATTEST:

DEBRA L. SOPRONYI
MUNICIPAL CLERK

LAWRENCE D. QUATTRONE
MAYOR