

ORDINANCE NO. 14-2023

**ORDINANCE OF THE TOWNSHIP OF ABERDEEN, COUNTY OF
MONMOUTH, STATE OF NEW JERSEY AUTHORIZING THE
ACQUISITION BY NEGOTIATED AGREEMENT OR EMINENT
DOMAIN OF REAL PROPERTY AND/OR PROPERTY INTERESTS
REQUIRED FOR A ROADWAY IMPROVEMENT PROJECT ON BANK
STREET AND A PORTION OF WATER STREET BETWEEN WATER
STREET'S INTERSECTION WITH BANK STREET AND ITS
TERMINUS AT THE BOUNDARY OF THE TOWNSHIP OF ABERDEEN**

WHEREAS, pursuant to the Local Land and Building Law, N.J.S.A. 40A:12-1, et seq., the Township of Aberdeen (the "Township") has the power to acquire real property; and

WHEREAS, pursuant to N.J.S.A. 40A:12-5, the Township has the power to acquire any real property for a public purpose through a negotiated agreement process; and

WHEREAS, pursuant to N.J.S.A. 20:1-1, et seq., the Township has the power to acquire interests in real property through the exercise of the power of eminent domain through condemnation; and

WHEREAS, the Township is undertaking a roadway improvement project to Bank Street and to a portion of Water Street between Water Street's intersection with Bank Street and the terminus of Water Street at the boundary of the Township of Aberdeen (the "Project"); and

WHEREAS, the Project requires the acquisition of interests in properties in the form of Permanent Easements; and

WHEREAS, the Township desires to acquire interests in certain lands as shown herein:

1. Part of Lot 6, Block 33 consisting of a fee taking of approximately 546 square feet or 0.013 acre needed for proposed curb and overall roadway widening.
2. Part of Lot 6, Block 34 consisting of a fee taking of approximately 350 square feet or 0.008 acre needed for proposed curb and overall roadway widening.
3. Part of Lot 8, Block 34 consisting of a fee taking of approximately 451 square feet or 0.010 acre needed for proposed curb and overall roadway widening.
4. Part of Lot 12, Block 34 consisting of a fee taking of approximately 63 square feet or 0.001 acre needed for proposed curb and overall roadway widening.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Aberdeen, County of Monmouth, State of New Jersey:

1. The acquisition by negotiated agreement or exercise of the power of eminent domain through condemnation of the following interests in properties is hereby authorized for the

purposes of the roadway improvement project to Bank Street and to a portion of Water Street between Water Street's intersection with Bank Street and its terminus at the boundary of the Township of Aberdeen (the "Project"):

- a. Part of Lot 6, Block 33 consisting of a fee taking of approximately 546 square feet or 0.013 acre needed for proposed curb and overall roadway widening.
 - b. Part of Lot 6, Block 34 consisting of a fee taking of approximately 350 square feet or 0.008 acre needed for proposed curb and overall roadway widening.
 - c. Part of Lot 8, Block 34 consisting of a fee taking of approximately 451 square feet or 0.010 acre needed for proposed curb and overall roadway widening.
 - d. Part of Lot 12, Block 34 consisting of a fee taking of approximately 63 square feet or 0.001 acre needed for proposed curb and overall roadway widening.
2. The Township Attorney and/or Special Counsel and Township Manager are hereby authorized to take all actions necessary to acquire the above referenced property interests through negotiations or condemnation, along with any other property/access rights necessary for the Project.
 3. The Mayor and/or Township Manager, and the Clerk are hereby authorized to sign and witness, respectively, any contract of sale or other documents necessary to acquire the interests in the properties listed, along with any other property/access rights necessary for the Project.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and in effect; and

BE IT FURTHER ORDAINED, that any ordinance or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

SO, ORDAINED as aforesaid.

INTRODUCTION DATE: August 17, 2023

ADOPTION DATE: September 7, 2023

ROLL CALL VOTE:

Ayes: Councilmembers Cannon, Hirsch, Martucci, Montone, Swindle, Deputy Mayor Kelley,
Mayor Tagliarini

Nays: None

Abstain: None

Absent: None

I hereby certify the foregoing to be a true copy
of an Ordinance adopted by the Township
Council of the Township of Aberdeen on September 7, 2023

Melissa Pfeifer

Melissa Pfeifer, Township Clerk