

#16-14

AN ORDINANCE AMENDING ORDINANCE NO. 16-04 AUTHORIZING THE ACQUISITION OF AN ADDITIONAL SANITARY SEWER EASEMENT, BY THE TOWNSHIP OF NORTH BRUNSWICK, MIDDLESEX COUNTY, NEW JERSEY, TO INCLUDE SUCH LANDS KNOWN AS BLOCK 242, LOT 9 ON THE OFFICIAL TAX MAP OF THE CITY OF NEW BRUNSWICK FOR THE MILE RUN INTERCEPTOR PROJECT

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Township of North Brunswick ("Township") is authorized to adopt an Ordinance for the preservation of public health, safety and welfare; and

WHEREAS, the Township has been approved by the New Jersey Department of Environmental Protection for the replacement of approximately 700 linear feet of existing sanitary sewer lines, entitled the Mile Run Interceptor Project (the "Project"); and

WHEREAS, on April 14, 2016 the Township adopted Ordinance No. 16-04 authorizing the acquisition of conservation restriction/easement interests on properties located within and around the area, which includes Block 292.01, Lot 3 and Block 292.01, Lot 2.03 on the Township's official tax map and a 70 foot wide sanitary sewer easement on Block 242, Lot 5.06 on the official tax map of the City of New Brunswick (the "Properties") as described in the metes and bounds descriptions incorporated herein and attached hereto as **Exhibit A** and as depicted in the maps incorporated herein and attached hereto as **Exhibit B**; and

WHEREAS, the acquisition of an additional sanitary sewer easement on Block 242, Lot 9 is also necessary to facilitate completion of the Project; and

WHEREAS, pursuant to N.J.S.A. 40A:12-1 et seq., the Township has the power to acquire any real property or interest therein for a public purpose either through negotiated agreement or through the exercise of its power of eminent domain; and

WHEREAS, the Township has determined that, since the contemplated Project would serve a public purpose and be to the benefit of the health, welfare and safety of the Township's citizens for the Township to acquire the Properties and/or any interests thereto; and

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Township of North Brunswick, County of Middlesex, State of New Jersey, being the governing body thereof,

1. The Township is authorized to acquire by negotiation and/or by the exercise of its power of eminent domain certain lands and/or interests over, upon, through, under and across a portion of

such lands known as Block 242, Lot 9 on the Official Tax Map of the City of New Brunswick for a sanitary sewer easement for the Mile Run Interceptor Project for the purposes described hereinabove, be and is hereby authorized and approved; and

2. The Township Attorney and the Business Administrator are hereby authorized to take any and all actions necessary to acquire the Properties and/or any interests thereto, either through negotiation or the exercise of the Township's powers of eminent domain; and

3. Through negotiated agreement the Township shall pay the fair and reasonable consideration for the acquisition of the certain lands and/or interests; and

4. Alternatively, through eminent domain, the Township shall pay the fair market value for the acquisition of the Property and/or any interests thereto, which value shall be determined by an appraisal report prepared on behalf of the Township by a recognized and qualified licensed appraiser; and

5. The Mayor and Township Clerk are hereby authorized to, respectively, execute and witness any documents or instruments necessary to acquire the Property and/or any interests thereto; and

BE IT FURTHER ORDAINED, 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 effective.

BE IT FURTHER ORDAINED, any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

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

TITLE

This Ordinance shall be known and may be cited as the Ordinance Amending Ordinance No. 16-04 Authorizing the Acquisition of an additional Sanitary Sewer Easement for the Mile Run Interceptor Project.