

Cranbury Township Ordinance 01-13-04

**ORDINANCE AUTHORIZING THE COMMENCEMENT
OF AN ACTION UNDER THE EMINENT DOMAIN ACT OF 1971
AND AUTHORIZING THE ACQUISITION OF
TEMPORARY AND PERMANENT EASEMENTS**

WHEREAS, Suzanne and Istvan Palocz are the current owners of a ± 0.446 acre parcel of land located at Block 23, Lot 71.01 and is improved with a single family home; and

WHEREAS, Suzanne and Istvan Palocz are the current owners of a ± 1.167 acre parcel of land located at Block 23, Lot 71 and is improved with a carriage house; and

WHEREAS, the total acreage of the two parcels is ± 1.613 acres being located at 1 North Main Street, between the intersections of Evans Drive and Scott Ave, across from Brainerd Lake, in Cranbury Township, Middlesex County, New Jersey hereinafter referred to together as the subject property; and

WHEREAS the Township seeks to acquire a $\pm 1,941$ square foot permanent grading and slope easement located in the southern portion of the subject property beginning near its frontage with Lot 72 and continuing in a northerly direction to the boundary of Lot 71.01; and

WHEREAS the Township seeks to acquire a $\pm 1,141$ square foot temporary construction easement located to the west of the proposed $\pm 1,941$ permanent grading and slope easement; and

WHEREAS the Township seeks to acquire a ± 686 square foot permanent grading and slope easement located adjacent to the stone driveway on the subject property to its south; and

WHEREAS the Township seeks to acquire a ± 535 square foot temporary construction easement located to the west of the proposed ± 686 permanent grading and slope easement; and

WHEREAS, the purpose of said acquisitions is for the rehabilitation of the Brainerd Lake dam and bridge located adjacent to the subject property which were significantly damaged during hurricane Irene in 2008; and

WHEREAS, the proposed easements are the minimum necessary to repair and restore the bridge and dam to prevent further loss; and

WHEREAS, the Township has obtained an appraisal reflecting the market value of the two (2) permanent grading and slope easements and the two (2) temporary construction easements; and

WHEREAS, on January 8, 2013 the Township wrote to the property owners for the purpose of commencing and conducting bona fide negotiations to acquire the two (2) permanent grading and slope easements and the two (2) temporary construction easements; and

WHEREAS, if the Township is unable to reach an agreement with the property owner after engaging in bona fide negotiations, it will be required to initiate condemnation proceedings to acquire the two (2) permanent grading and slope easements and the two (2) temporary construction easements; and

WHEREAS, the Finance Officer has certified the availability of funds.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Cranbury, in the County of Middlesex, State of New Jersey that if after bona fide negotiations the Township is unable to reach an agreement for the acquisition of the two (2) permanent grading and slope easements and the two (2) temporary construction easements identified above, then the Township Administrator and the Township Attorney are hereby authorized to complete, file and record any and all necessary documents, and to deposit with the court any and all necessary funds not exceeding Seven Thousand Five Hundred Ninety-Five Dollars (\$7,595), to commence an action under the Eminent Domain Act of 1971, *N.J.S.A. 20:3-1 et seq.* on behalf of the Township of Cranbury to condemn the two (2) permanent grading and slope easements and the two (2) temporary construction easements identified above; and to acquire title to the easements in the name of Cranbury Township; and

BE IT FURTHER ORDAINED, that if the Township is able to reach agreement for said purchase at its appraised value, then the Township Administrator and the Township Attorney are hereby authorized to take all steps necessary to acquire title to the tract in the name of Cranbury Township; and

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

The ordinance published herewith was introduced and passed upon first reading at a meeting of the governing body of the Township of Cranbury, in the County of Middlesex, State of New Jersey held on January 28, 2013. It will be further considered for final passage, after a public hearing thereon, at a meeting of the governing body to be held in the meeting room of Town Hall, 23-A North Main Street, in the Township of Cranbury on February 11, 2013 at 7:00 P.M. and during the week prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's Office or on the Township's web site: www.cranburytownship.org at no charge to the members of the general public who shall request the same.

Kathleen R. Cunningham, RMC
Municipal Clerk