

TOWNSHIP OF PEQUANNOCK

ORDINANCE NO. 2022-14

AN ORDINANCE AUTHORIZING THE ACQUISITION BY EMINENT DOMAIN OF AN EASEMENT INTEREST IN CERTAIN REAL PROPERTY LOCATED IN THE TOWNSHIP OF PEQUANNOCK AND REQUIRED IN CONNECTION WITH THE ROUTE 23 SANITARY SEWER IMPROVEMENT PROJECT

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, et seq., provides that a municipality may, by ordinance, provide for the acquisition of real property or an interest therein by purchase, gift, devise, lease, exchange, or condemnation in the manner provided in the Eminent Domain Act, N.J.S.A. 20:3-1, et seq.; and

WHEREAS, the Township Council of the Township of Pequannock (hereinafter referred to as "Township") has determined that it is in the best interest of the Township to acquire a portion of the following properties for the purpose of use as sanitary sewer easements:

Owner	Address	Interest - sewer easement	Block	Lot
Arch Plaza Ltd Liability Co	629 Route 23	2,899 sq. ft.	1404	9
Eton Centers	561 Route 23	2,758 sq. ft.	1404	13
Fuel Max	652 Route 23	4,218 sq. ft.	902	19/20
Pompton Realty	590 Route 23	6,286 sq. ft.	902	16
Pompton Realty	700 Route 23	1,881 sq. ft.	902	34

; and

WHEREAS, legal descriptions of the properties to be acquired for sanitary sewer easements are attached hereto as Exhibit A (hereinafter referred to as "Subject Properties"); and

WHEREAS, the Township has obtained appraisals dated October 26, 2021 prepared by Newmark Knight Frank Valuation and Advisory, LLC, which has determined that the value of the Subject Properties and Interests to be acquired as follows:

Arch Plaza Ltd Liability Co	\$3,800.00
Eton Centers	\$3,600.00
Fuel Max	\$5,700.00
Pompton Realty (902/16)	\$8,200.00
Pompton Realty (902/34)	\$2,200.00

; and

WHEREAS, the Township has attempted to engage in bona fide negotiations with the owners of the Subject Property to acquire said Subject Property and Interests as required by N.J.S.A. 20:3-6; and;

WHEREAS, most recently, by correspondence of June 24, 2022 the Township made a formal offer to purchase the Subject Properties and Interests, said offers having included a copy of the aforementioned appraisal report for the purpose of conducting bona fide negotiations with the owner; and

WHEREAS, the owners of the Subject Properties have been unresponsive to the to the Township's offer and have not engaged in bona fide negotiations; and

WHEREAS, the Township now desires to initiate condemnation proceedings to acquire the Subject Properties and Interests in accordance with the Eminent Domain Act, N.J.S.A. 20:3-1, et seq.;

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Pequannock, in the County of Morris and State of New Jersey, as follows:

Section 1. The Township of Pequannock hereby authorizes the Township Attorney, Township Manager and such other Township Officials, Officers and Agents as are appropriate to commence proceedings pursuant to the Eminent Domain Act, N.J.S.A. 20:3-1, et seq. to acquire the Subject Properties and Interests as aforesaid and undertake all necessary and lawful efforts to effectuate the purpose of this Ordinance and to deposit with the Superior Court of New Jersey the offered funds as is required by law.

Section 2. No debt is to be authorized by the enactment and passage of this Ordinance.

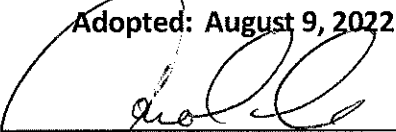
Section 3. All ordinances of the Township of Pequannock, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

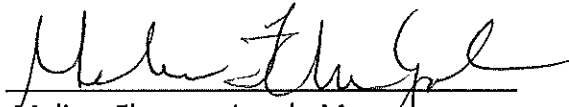
Section 4. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

Section 5. This Ordinance shall take effect upon final passage and publication as required by law.

Introduced: July 12, 2022

Adopted: August 9, 2022


Carol J. Marsh, Township Clerk


Melissa Florance-Lynch, Mayor