

ORDINANCE OF THE TOWNSHIP OF LAKEWOOD, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE ACQUISITION BY EMINENT DOMAIN OR PURCHASE OR GIFT OF BLOCK 490, LOT 27 (JOHNSON AVENUE) AS SHOWN ON THE TAX MAP OF THE TOWNSHIP OF LAKEWOOD, PURSUANT TO AND IN ACCORDANCE WITH N.J.S.A. 40A:12-1 ET SEQ.

WHEREAS, the “Local Lands and Buildings Law”, N.J.S.A. 40A: 12-5 provides that a municipality may acquire “any real property ...[b]y purchase, gift, devise, lease, exchange, condemnation, or installment purchase agreement”; and

WHEREAS, the Township Committee has determined that it would be in the public interest for the Township of Lakewood to acquire certain real property known as Block 490, Lot 27 as shown on the tax map of the Township of Lakewood; and

WHEREAS, the property would be utilized for recreational and open space purposes and the Township has determined that it is necessary, beneficial and in the public interest to acquire the Property for public use as a public park/open space; and

WHEREAS, the Township Committee wishes to authorize the acquisition of the real property aforesaid by purchase, condemnation or in any other manner authorized by N.J.S.A. 40A:12-1, et seq.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Lakewood, County of Ocean, State of New Jersey, as follows:

1. That the acquisition of the parcels known as Block 490, Lot 27 as shown on the tax map of the Township of Lakewood, by the Township of Lakewood, by purchase, condemnation or such other manner as is authorized by N.J.S.A. 40A:12-1 et seq., be and hereby is authorized.
2. The Mayor, Township Manager, Township Engineer, Township Attorneys and such other officials, employees and agents of the Township of Lakewood, specifically including, but not limited to professional appraisers, environmental experts, consulting engineers, surveyors and similar professionals as are appropriate, are hereby authorized and directed to execute such documents and to perform all other acts necessary to negotiate or take, condemn (including the institution of any necessary legal action to acquire the real property including but not limited to action to gain necessary access to the real property for related purposes) or to acquire title to the real property for public use as a public park and the Mayor and Township Clerk are hereby authorized and directed to execute any and all documents necessary for the acquisition of said real property; however, no settlement figure, purchase price or stipulation to purchase shall be binding on the Township of Lakewood or its agents until the Township Committee of the Township of Lakewood approves such figure or price by resolution.


3. The appropriate disbursing officers of the Township of Lakewood are hereby authorized and directed to pay the purchase price and/or fair and just compensation to the owner of record of the property as well as to pay the Township's share of costs connected with title reports, appraisal reports, attorney's fees, professional consultant's fees, and other costs necessary for the general acquisition or acquisition by way of condemnation of the real property.

NOW, THEREFORE, BE IT FURTHER ORDAINED that:

1. Ordinances, resolutions and regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistency; and
2. If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by a court of competent jurisdiction, such a decision shall not affect the remaining portion of the Ordinance; and
3. Pursuant to applicable statutes, this Ordinance shall take effect immediately upon final passage and publication in accordance with law.

NOTICE

PUBLIC NOTICE is hereby given that the foregoing Ordinance was introduced at a meeting of the Township Committee of the Township of Lakewood, in the County of Ocean and State of New Jersey on **January 24, 2019**, and was then read for the first time. The said Ordinance will be further considered for final passage by the Township Committee in the Town Hall at 7:30 p.m. on **February 7, 2019**. At such time and place or any time or place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said Ordinance.


Kathryn Hutchinson, RMC, CMC, CMR, RPPS
Township Clerk

CERTIFICATION

I, Kathryn Hutchinson, Township Clerk of the Township of Lakewood, do hereby certify the foregoing to be a true and exact copy of the ordinance which was adopted by the Township Committee of the Township of Lakewood at a meeting held on **February 7, 2019** at 7:30 P.M., at the Municipal Building, located at 231 Third Street, Lakewood, NJ 08701.


Kathryn Hutchinson, RMC, CMC, CMR, RPPS
Township Clerk