

MONROE TOWNSHIP, MIDDLESEX COUNTY

ORDINANCE NO.: 0-2-2023-006

**ORDINANCE OF THE TOWNSHIP OF MONROE
COUNTY OF MIDDLESEX, 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 PROSPECT
PLAINS ROAD FROM STONAKER DRIVE TO APPLGARTH ROAD**

WHEREAS, pursuant to the Local Land and Building Law, N.J.S.A. 40A:12-1, et seq., the Township of Monroe (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 Prospect Plains Road in the Township between Stonaker Drive and Applegarth Road (the “Project”); and

WHEREAS, the Project requires the acquisition of interests in properties in the form of property acquisitions, Right-of-Way Easements, and Drainage, Temporary Construction, and Permanent Maintenance Easements; and

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

1. Parcel 3 (PARCEL-3) – part of (hereinafter “p/o”) Lot 68, Block 56 consisting of a fee taking of approximately 455 square feet needed for proposed sidewalk, curb and overall roadway widening;
2. Parcel 4 (PARCEL-4) – p/o Lot 66.01, Block 56 consisting of a fee taking of approximately 2,963 square feet needed for proposed sidewalk, curb, overall roadway widening;
3. Parcel 5 (PARCEL-5) – p/o Lot 67, Block 56 consisting of a fee taking of approximately 9,186 square feet needed for proposed sidewalk, curb and overall roadway widening;
4. Parcel 6 (TCE-6A) – p/o 60.02, Block 56 consisting of a temporary construction easement of approximately 570 square feet needed for proposed limit of disturbance/grading, curb, sidewalk and paving encroachments;
5. Parcel 6 (TCE-6B) – p/o 60.02, Block 56 consisting of a second temporary construction easement on said parcel of approximately 570 square feet needed for proposed limit of disturbance/grading, curb, sidewalk and paving encroachments;
6. Parcel 7 (PDE-7) – p/o Lot 6, Block 40 consisting of a permanent drainage easement of approximately 825 square feet needed for proposed drainage improvements;
7. Parcel 7 (TCE-7) – p/o Lot 6, Block 40 consisting of a temporary construction easement of approximately 1,617 square feet needed for proposed limit of disturbance/grading, curb, sidewalk and paving encroachments;
8. Parcel 8 (TCE-8A) – p/o Lot 60.03, Block 56 consisting of a temporary construction easement of approximately 225 square feet needed for proposed limit of disturbance/grading, curb, sidewalk and paving encroachments;
9. Parcel 8 (TCE-8B) – p/o Lot 60.03, Block 56 consisting of a second temporary construction easement needed on said parcel of approximately 390 square feet needed for proposed limit of disturbance/grading, curb, sidewalk and paving encroachments;
10. Parcel 9 (PARCEL-9) – p/o Lot 59, Block 56 consisting of a fee taking of approximately 6,002 square feet needed for proposed sidewalk, curb and overall roadway widening;

11. Parcel 10 (PARCEL-10) – p/o Lot 58, Block 56 consisting of a fee taking of approximately 1,272 square feet needed for proposed sidewalk, curb and overall roadway widening;
12. Parcel 11 (PME-11) – p/o Lot 3, Block 201 consisting of a permanent maintenance easement of approximately 1,393 square feet needed for proposed sidewalk, curb and paving encroachments;
13. Parcel 11 (TCE-11) – p/o Lot 3, Block 201 consisting of a temporary construction easement of approximately 262 square feet needed for proposed limit of disturbance/grading, curb, sidewalk and paving encroachments;
14. Parcel 12 (TCE-12) – p/o Lot 2.01, Block 201 consisting of a temporary construction easement of approximately 1,782 square feet needed for proposed limit of disturbance/grading, curb, sidewalk and paving encroachments;
15. Parcel 13 (ROWE-13) – p/o Lot 22, Block 41 consisting of a right-of-way easement of approximately 848 square feet needed for proposed sidewalk and limit of disturbance/grading that will encroach on said parcel;
16. Parcel 14 (PARCEL-14) – p/o Lot 1, Block 41 consisting of a fee taking of approximately 167 square feet needed for proposed sidewalk and limit of disturbance/grading that will encroach on said parcel;
17. Parcel 14 (TCE-14) – p/o Lot 1, Block 41 consisting of a temporary construction easement of approximately 373 square feet needed for proposed limit of disturbance/grading, curb, sidewalk and paving that encroaches on said parcel.
18. Parcel 15 (PARCEL-15) – p/o Lot 1, Block 45 consisting of a fee taking of approximately 4,495 square feet needed for proposed sidewalk, curb, traffic control devices, paving and limit of disturbance/grading that will encroach on said parcel.
19. Parcel 16 (PARCEL-16) – p/o Lot 1.09, Block 42 consisting of a fee taking of approximately 2,087 square feet needed for proposed sidewalk, curb, paving, traffic control devices, and limit of disturbance/grading that will encroach on said parcel.
20. Parcel 16 (TCE-16) – p/o Lot 1.09, Block 42 consisting of a temporary construction easement of approximately 2,414 square feet needed for proposed limit of disturbance/grading, curb, sidewalk, and paving that encroaches on said parcel.
21. Parcel 17 (TCE-17) – p/o Lot 1.10, Block 42 consisting of a temporary construction easement of approximately 346 square feet needed for proposed limit of disturbance/grading, curb, sidewalk and paving that encroaches on said parcel.
22. Parcel 18 (PARCEL-18) – p/o Lot 1.05, Block 42 consisting of a fee taking of approximately 3,904 square feet needed for proposed sidewalk and overall roadway widening that will encroach on said parcel.
23. Parcel 18 (TCE-18) – p/o Lot 1.05, Block 42 consisting of a temporary construction easement of approximately 5,442 square feet needed for proposed limit of disturbance/grading, curb, sidewalk and paving that encroaches on said parcel.
24. Parcel 19 (PARCEL-19) – p/o Lot 8.02, Block 47.01 consisting of a fee taking of approximately 8,137 square feet needed for proposed sidewalk, curb and overall roadway widening that will encroach on said parcel.
25. Parcel 20 (TCE-20) – p/o Lot 8.01, Block 47.01 consisting of a temporary construction easement of approximately 1,150 square feet needed for proposed limit of disturbance/grading, curb, sidewalk and paving that encroaches on said parcel.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Monroe, County of Middlesex, 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 Prospect Plains Road in the Township between Stonaker Drive and Applegarth Road:

1. Parcel 3 (PARCEL-3) – part of (hereinafter “p/o”) Lot 68, Block 56 consisting of a fee taking of approximately 455 square feet needed for proposed sidewalk, curb and overall roadway widening;
2. Parcel 4 (PARCEL-4) – p/o Lot 66.01, Block 56 consisting of a fee taking of approximately 2,963 square feet needed for proposed sidewalk, curb, overall roadway widening;
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4. Parcel 6 (TCE-6A) – p/o 60.02, Block 56 consisting of a temporary construction easement of approximately 570 square feet needed for proposed limit of disturbance/grading, curb, sidewalk and paving encroachments;
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25. Parcel 20 (TCE-20) – p/o Lot 8.01, Block 47.01 consisting of a temporary construction easement of approximately 1,150 square feet needed for proposed limit of disturbance/grading, curb, sidewalk and paving that encroaches on said parcel.

2. The Township Attorney and Business Administrator are hereby authorized to take all actions necessary to acquire the above referenced property interests through negotiations or condemnation.
3. The Mayor and 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.

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.

MIRIAM COHEN, Council President

RECORDED VOTE – INTRODUCTION – February 6, 2023						
COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Councilman Siegel	X		X			
Councilman Dipierro					X	
Councilman Schneider		X	X			
Council V. President Van Dzura			X			
Council President Cohen			X			

NOTICE

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading at a meeting of the Monroe Township Council held on February 6, 2023. Said Ordinance will again be read and considered for final passage at the next scheduled meeting of the Monroe Township Council to be held on March 6, 2023 at 6:30 p.m. At said time and place all persons having an interest in the foregoing Ordinance will be granted an opportunity to be heard concerning the same prior to consideration for final passage by the Council.

PATRICIA REID, Township Clerk

RECORDED VOTE – SECOND READING & FINAL ADOPTION – March 6, 2023						
COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Councilman Siegel						
Councilman Dipierro						
Councilman Schneider						
Council V. President Van Dzura						
Council President Cohen						

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MAYORAL APPROVAL

By virtue of the Optional Municipal Charter Law of 1950 and Chapter 3, Section 19 of the Code of the Township of Monroe, my approval of this Ordinance is effected by the affixing of my signature hereto.

STEPHEN DALINA, Mayor

Date signed: _____