

**ORDINANCE NO. 2016-03
TOWNSHIP OF EAST WINDSOR
COUNTY OF MERCER**

**AN ORDINANCE AUTHORIZING AND DIRECTING THAT TITLE
AND POSSESSION OF CERTAIN REAL PROPERTY BE ACQUIRED BY
PURCHASE, GIFT OR UNDER THE POWER OF EMINENT DOMAIN
PURSUANT TO LAW IN CONNECTION WITH THE ROUTE 130-
HANKINS ROAD-CONOVER ROAD REALIGNMENT PROJECT**

WHEREAS, it is a matter of public necessity and interest that certain real property located at the intersections of U.S. Route 130, Hankins Road and Conover Road, in the Township of East Windsor, County of Mercer, and State of New Jersey, be acquired by the Township of East Windsor for the purposes of the realignment of Hankins Road and Conover Road at the intersection of Route 130 in accordance with the design plans prepared by Maser Consulting, P.A., copies of which are available for inspection by the public at the Township offices, 16 Lanning Boulevard, East Windsor, New Jersey.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of East Windsor, in the County of Mercer, State of New Jersey, as follows:

Section 1. Authorization to Acquire Land.

Pursuant to the provisions of the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, et seq., and more particularly N.J.S.A. 40A:12-5, the Township of East Windsor, through, is hereby authorized and directed to acquire title to and possession of certain portions and interests in the real property described as follows by purchase, gift or under the power of eminent domain in a manner provided by N.J.S.A. 20:3-1, et seq.:

1. Block 46, Lot 1, located at the intersection of U.S. Route 130 North and Conover Road: Fee acquisition of the entire parcel.
2. Block 46, Lot 2, located east of U.S. Route 130 along Conover Road: Right-of-way and temporary construction easement, as depicted on an Individual Parcel Map prepared by Michael F. Burns, New Jersey Professional Land Surveyor, dated October 17, 2014, a copy of which is attached as Exhibit A.

The Township of East Windsor is further authorized and directed to acquire such additional or modified rights-of-way, easements, or other interests in the above enumerated properties as may be necessary in connection with the Route 130-Hankins Road-Conover Road Realignment Project.

Section 2. Authority of Agents.

The Township Engineer, the Township Manager and the Township Attorney are hereby authorized and directed to perform all acts necessary to acquire such real property on behalf of the Township of East Windsor, including the institution of proceedings pursuant to the Eminent Domain Act of 1971, N.J.S.A. 20:3-1, et seq., in the event the Township is unable to negotiate the acquisition of any of the above property interests; however, no settlement figure, purchase price, or stipulation to purchase shall be binding on the Township of East Windsor or its agents until the Township Council of the Township of East Windsor approves such figure or price by resolution.

Section 3. Cost of Acquisition.

The Finance Director of the Township of East Windsor is hereby authorized and directed to pay all sums necessary to acquire the above real property or interests therein, as well as the Township's share of costs connected with title reports and insurance, appraisal reports, attorney fees, professional consultant fees and other closing costs necessary for the acquisition of real property as authorized by the Township Council of the Township of East Windsor, as provided in Section 2 hereof.

Section 4. Severability

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

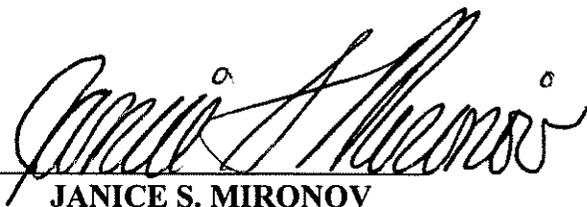
Section 5. Effective Date

This Ordinance shall take effect 20 days after final passage and publication according to law.

ATTEST:



GRETCHEN MCCARTHY
Municipal Clerk



JANICE S. MIRONOV
Mayor

Introduced: February 9, 2016
Adopted: February 23, 2016
Effective: March 17, 2016