

**Ord. #19-2012**

**AN ORDINANCE OF THE TOWNSHIP OF MOUNT OLIVE, COUNTY OF MORRIS,  
AND STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION  
OF CERTAIN PROPERTY KNOWN AS 20-23 STONEWALD COURT DRIVE,  
BUDD LAKE, NJ ALSO KNOWN AS BLOCK 3203, LOTS 21 & 28, AND  
IF NECESSARY, AUTHORIZING THE INSTITUTION OF EMINENT DOMAIN  
PROCEEDINGS**

**WHEREAS**, N.J.S.A. 40A:12-5 and N.J.S.A. 20:3-1 et seq. authorize public entities to acquire real property or an interest in real property; and

**WHEREAS**, the Township Council of the Township of Mount Olive has deemed it necessary to acquire certain property in the Township of Mount Olive known as 20-23 Stonewald Court Drive, Block 3203, Lots 21 & 28; and

**WHEREAS**, the Township's Planner has opined that the subject property would be suitable for redevelopment as well as Affordable Housing for the municipality; and

**WHEREAS**, an appraisal of the property was completed on or about April 16, 2012 setting forth the fair market value of the property as of April 12, 2012; and

**WHEREAS**, the Township hereby approves the appraisal report and the fair market value of the property as of April 12, 2012 and hereby authorizes the issuance of an "Offer Letter" to the record owners of the property to purchase the property for the full fair market value of the property as of April 12, 2012 in the amount of \$425,000 subject to the satisfaction of appropriate contingencies with respect to the inspection of premises, environmental evaluation as well as a sewer and water feasibility assessment for the property; and

**WHEREAS**, the Township Council has determined that the public's interest will be served by the acquisition of the property for redevelopment and a site for Affordable Housing; and

**WHEREAS**, the Township Council desires to formally authorize the acquisition of the property and the institution of eminent domain proceedings if necessary in order to acquire title of the subject property.

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

**SECTION 1.** The Mayor and such other officials, consultants, agents, employees and professionals as may be necessary and appropriate, shall be and are hereby authorized to pursue all lawful means of acquiring the property specifically known and designated as 20-23 Stonewald Court Drive, Budd Lake, NJ Block 3203, Lots 21 & 28 through negotiation and/or condemnation if necessary pursuant to N.J.S.A. 40A:12-5 and N.J.S.A. 20:3-1 et seq. including the filing of a Declaration of Taking, the filing of a Condemnation Complaint and all other proceedings related thereto.

**SECTION 2.** The Township Council hereby confirms its approval of the appraisal of fair market value of the property as of April 12, 2012.

**SECTION 3.** In conjunction with said acquisition, the Township reserves and shall reserve any rights it may have had or may recover in any subsequent of pending action or by any administrative means, all costs of remediation and/or clean-up of condemnation and/or removal of solid waste and/or sanitary land fill closures that have been incurred or may be incurred in the future by reason of conditions which were in existence as of or prior to the date of vesting of title and possession of the subject property in the name of the Township.

**SECTION 4.** In conjunction with said acquisition, the Township reserves and shall reserve the right to seek in its sole discretion, any and all available legal, administrative and equitable remedies to compel the record owners and/or responsible parties to remediate and/or clean up the subject property in accordance with applicable state and federal statutory and regulatory provisions or to remove solid waste or carry out closure of a sanitary landfill if located on the subject property. The Township is not and shall not be liable for the clean-up and removal costs of any discharge which occurred or began prior to the Township's ownership.

**SECTION 5.** The Mayor, Township Council and such other officials, consultants, agents, employees and professionals of the Township as may be necessary and appropriate are hereby authorized and directed to take any and all actions necessary to effectuate the purposes of this Ordinance.

**SECTION 6.** All ordinances of the Township of Mount Olive, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

**SECTION 7.** 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 8.** This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

TOWNSHIP OF MOUNT OLIVE

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Alex Roman, Council President

ATTEST:

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Lisa Lashway, Township Clerk