

ORDINANCE NO. 2009 - 25

ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING ACQUISITION OF BLOCK 159, LOTS 2 AND 3, AND ALL IMPROVEMENTS THEREON, BARNEGAT, NEW JERSEY, FROM JACKAL DEVELOPMENT, INC.

WHEREAS, the Township of Barnegat, County of Ocean, State of New Jersey (the "Township") is desirous of acquiring property to meet its affordable housing obligations; and

WHEREAS, the Township has negotiated with Jackal Development, Inc. (the "Seller") the acquisition of Block 159, Lots 2 and 3, a/k/a 473 and 465 North Main Street (Route 9), Barnegat Township, New Jersey, including any and all improvements thereon (the "property"); and

WHEREAS, the Township has preliminarily entered into a contract of sale to purchase the property, a true copy of which is on file at the office of the Township Clerk and can be reviewed by the public during normal business hours; and

WHEREAS, the purchase price of the property is \$965,000.00 which the Township has available to it through funds paid by developers to meet their affordable housing obligations; and

WHEREAS, the Township has obtained an appraisal from the Township's Certified Appraiser, Henry J. Mancini & Associates, Inc. which indicates the fair market value of the property is in excess of the aforementioned purchase price, a true copy of the appraisal is also on file at the office of the Township Clerk and can be reviewed by the public during normal business hours:

**DASTI, MURPHY
McGUCKIN, ULAKY,
CHERKOS & CONNORS**

COUNSELLORS AT LAW

620 WEST LACEY ROAD
P.O. BOX 1057
FORKED RIVER, N.J. 08731

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

SECTION 1. The Township authorizes acquisition of Block 159, Lots 2 and 3, a/k/a 473 and 465 North Main Street (Route 9), Barnegat Township, New Jersey, including any and all improvements thereon, for and in consideration of \$965,000.00. In addition the aforementioned purchase price will increase the exact amount of any and all additional real estate taxes accruing to the property after August 27, 2009. Also the contract contemplated by this Ordinance is hereby specifically contingent upon the Township receiving all necessary approvals from the New Jersey Council on Affordable Housing (COAH) to designate this property as an approved affordable housing site, and authorize the Township to utilize funds in the Township's Affordable Housing Trust Fund to purchase the property.

SECTION 2. The Township intends to purchase the property to assist in meeting its affordable housing obligations. Therefore the funds to purchase the property shall be disbursed from the Township's Affordable Housing Fund.

SECTION 3. The Township authorizes and directs the Mayor, Township Clerk, Township Administrator and the Township's professional staff to undertake any and all necessary steps in order to implement the intent of this Ordinance, and to meet all of the Township's obligations set forth in the contract of sale.

SECTION 4. Severability. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

SECTION 5. Repealer. Any ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 6. Effective Date. This Ordinance shall take effect upon publication in an official newspaper of the Township, as required by and in conformance with law.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed by the Township Committee of Barnegat on first reading at a meeting held on the **6th day of July, 2009** at **6:30 p.m.** The Ordinance will be considered for second and final reading at a meeting of the Township Committee which is scheduled for the **20th day of July, 2009**, at **6:30 p.m.**, or as soon thereafter as the matter may be reached, at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey, at which time the public is invited to ask questions, raise objections, or provide public comment with regard to the proposed adoption of this Ordinance.

**DASTI, MURPHY
McGUCKIN, ULAKY,
CHERKOS & CONNORS**

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P.O. BOX 1057
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**Kathleen T. West, RMC
Municipal Clerk**

Prepared by:
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