

ORDINANCE NO. 2010 - 18

ORDINANCE OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING ACQUISITION OF PERMANENT EASEMENT AND ROADWAY ACQUISITION AFFECTING PROPERTY ALONG PORTIONS OF ROSE HILL ROAD AND BURR STREET IN CONJUNCTION WITH THE TOWNSHIP SIDEWALK INSTALLATION PROJECT

WHEREAS, the Township of Barnegat, County of Ocean, State of New Jersey (hereinafter referred to as the "Township") has entered into negotiations and agreements with the Barnegat Township Board of Education (the "Board of Ed") so as to assist the Board of Ed with its 2010-2011 school budget; and

WHEREAS, the agreements reached between the Township and the Board of Education include the alleviation of courtesy bussing from the 2010-2011 budget of the Board of Education, and as a result the Township has agreed to install sidewalks along certain portions of Burr Street and Rose Hill Road in order to accommodate pedestrian traffic, including but not limited to pedestrian traffic for school children; and

WHEREAS, as a result of the agreement reached between the Township and the Board of Education the Township has solicited bids for the sidewalk installation project, and has appropriated funds from its 2010 budget in order to begin and complete the project; and

WHEREAS, the Township is in need of completing the sidewalk installation project before the start of the school year in September, 2010; and

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WHEREAS, the Township has entered into discussions with the property owners who will be affected by the installation of sidewalks, and the Township has made good faith efforts to acquire each and all of the easements and right-of-way dedications, without need of condemnation proceedings; and

WHEREAS, nevertheless the Township has been unable to obtain the cooperation of all of the affected owners, and therefore the Township may need to institute eminent domain proceedings in order to acquire the easement and right-of-way dedication; and

WHEREAS, the Township is in need of acquiring rights to the subject property because of the public purpose involved, including but not limited to the installation of sidewalks to assist pedestrian traffic for school children:

NOW, THEREFORE, BE IT ORDAINED this 30th day of June, 2010, by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, as follows:

SECTION 1: In accordance with the provisions of *N.J.S.A. 40A:12-1 et seq.*, and if necessary the provisions of *N.J.S.A. 20:3-1 et seq.*, the Township Committee authorizes the acquisition of the easements and right-of-way dedications from the property owners, the names of which and the specific Lot and Block designations of which are attached hereto as “Schedule A” and made a part hereof. The Township authorizes the Township Solicitor to undertake any and all necessary means including

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institution of Condemnation Proceedings if necessary in order to acquire the easements on behalf of the Township.

SECTION 2: The Township finds that the acquisition of these easements and right-of-way dedications is in the long-term best interests of the Township and its ratepayers, and is needed by the Township in order to provide better service to the citizens of Barnegat Township and its ratepayers.

SECTION 3: The Township authorizes the acquisition of the easements and right-of-way dedications through negotiations, but if necessary also through Eminent Domain Proceeding and directs the Mayor, Township Clerk and Township Administrator to execute any and all necessary documents in order implement the intent of this Ordinance.

SECTION 4: All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 5: If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

SECTION 6: This ordinance shall take effect after second reading and publication as required by Law.

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NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed on the first reading by the Township Committee of Barnegat, County of Ocean, State of New Jersey on **June 30, 2010**. The Ordinance will be considered for second and final reading at a meeting of the Township Committee on **July 19, 2010, at 6:30 p.m.**, or as soon thereafter as the matter may be reached and considered, at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey. At that time the public is invited to ask questions, raise objections or provide public comment with regard to the proposed adoption of this Ordinance.

**Kathleen T. West, RMC
Municipal Clerk**

Prepared by:

DASTI, MURPHY, McGUCKIN, ULAKY,
CHERKOS & CONNORS
Forked River, New Jersey 08731

JJD:caf[Barnegat Ordinances 2010]
[Barnegat – Sidewalk Easement Acquisition – GL#19076]

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The Township of Barnegat introduced the above ordinance at its **June 30, 2010** meeting. The Ordinance authorizes acquisition of various easements for the construction of sidewalks. The ordinance will be considered on second and final reading at the **July 19, 2010** meeting of the Township Committee. All meetings are held at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey, commencing at 6:30 p.m. Copies of all Ordinances are available at no cost at the Municipal Clerk's Office located at 900 West Bay Avenue, Barnegat, New Jersey, Monday through Friday from 8:30 a.m. to 4:30 p.m.

KATHLEEN T. WEST, RMC
Municipal Clerk
Township of Barnegat

JJD:caf[Barnegat Ordinances 2010]
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SCHEDULE A

BLOCK	LOT	ASSESSED OWNER
160.01	2	David W. & Joanne H. Moore
161.07	3.01	Samuel & Joanne S. Aviles
161.07	3.02	Dewey B. & Mary C. Woosley
161.07	3.03	Robert Curran & Jason Corle
161.07	3.04	Robert Curran & Jason Corle
161.07	4	Steven J. Cullen
145.02	3	Ocean County
161.10	13.08	Patrick M. Koveleski
161.10	13.07	Thomas & Barbara Ann Stewart
161.10	13.06	Richard W. & Carrie Tansley
161.10	13.05	William & Mary Ellen Miller
161.10	13.04	Craig Lindstrom
161.10	13.02	Joseph Kreig
161.10	13.03	Jason & Allison Richards
161.10	13.01	Thomas J. & Florence E. Tansley
161.10	14	Richard A. & Doreen M. Hook
161.10	15.01	Bruce A. Baker
161.10	15	Esther E. Murray
161.10	16	James H. Smith
161.10	18	Gladys E. Soper
161.10	19	Thomas Walsh
161.10	17.23	Frank Kearney
161.05	20	Susanne M. Braun
161	21.22	Raymond M. Brustowicz
161	23	June Whiteman & Bonita Picaro

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