

**ORDINANCE 2022-2**

**ORDINANCE OF THE TOWNSHIP COMMITTEE OF COLTS NECK TOWNSHIP  
AUTHORIZING THE ACQUISITION BY NEGOTIATION OR EMINENT DOMAIN OF  
REAL PROPERTY DESIGNATED AS BLOCK 41, LOT 29 ON THE TAX MAP OF  
COLTS NECK TOWNSHIP**

**WHEREAS**, Local Lands and Buildings Law, *N.J.S.A. 40A:12-5, et seq.*, as amended, authorizes municipalities to acquire any real property by purchase, gift, devise, lease, exchange, condemnation, or installment purchase agreement; and

**WHEREAS**, the owner of record has expressed interest in negotiating with Colts Neck Township to permit the Township to acquire the property located at 5 Five Points Road, Colts Neck, New Jersey ("Block 41, Lots 29"); and

**WHEREAS**, the Township and owner of record have begun to engage in negotiations, but have been unable to finalize a sale of the property; and

**WHEREAS**, the Township Committee of Colts Neck Township hereby determines that it is necessary and in the public interest to acquire certain property located at 5 Five Points Road, Colts Neck, New Jersey ("Block 41, Lots 29") for the recreational public purpose of adding to Five Points Park; and

**WHEREAS**, the governing body 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 Township Committee of Colts Neck Township, County of Monmouth, State of New Jersey as follows:

1. **RECITALS INCORPORATED:** The above recitals are incorporated into this section of the Ordinance as if specifically set forth at length herein.
2. **FINDINGS:** The Mayor and Township Committee find that it is in the best interests of the Township to acquire the property at Block 41, Lots 29 on the tax map of Colts Neck Township which is adjacent to Five Points Park.
3. **AUTHORIZE ACQUISITION OF PROPERTY:** The Mayor and Township Committee of Colts Neck Township specially authorize any and all necessary and appropriate actions by municipal officials including the Mayor, Municipal Clerk and Municipal Attorney, for the taking and obtaining of the property as set forth herein through negotiation, purchase, or condemnation/eminent domain, including,

but not limited to, the hiring of any experts, engaging the services of land surveyors, title insurance companies, appraisers, and any other professional whose services are necessary or appropriate to implement the purposes of this Ordinance, the making of any offer by the municipality to the property owner in the full amount of the appraised value of the property interest that the Township seeks to acquire in said property, and to negotiate in good faith with the record owner of the property for its voluntary acquisition in accordance with *N.J.S.A. 20:3-6*, and in the event that the negotiations for the voluntary acquisition of the property interest are unsuccessful for any reason to commence a condemnation action by the filing of a Verified Complaint and Declaration of Taking, depositing the estimated just compensation with the Clerk of the Superior Court, filing a *Lis Pendens*, and taking any and all other actions of any administrative or other nature necessary to complete the process contemplated by this Ordinance.

4. **IDENTIFICATION OF PROPERTY:** The property for which a taking is authorized by negotiation, purchase, or condemnation/ eminent domain pursuant to this Ordinance is designated as Block 41, Lot 29 on the tax map of Colts Neck Township.
5. **OFFICIALS AUTHORIZED:** All appropriate officials of the municipality, including, but not limited, to the Mayor, Municipal Clerk, Municipal Attorney, and any and all experts or others acting on behalf of the Township are authorized by this Ordinance to sign any and all documentation and take any and all action necessary to effectuate the purposes and intention of this Ordinance.
6. **REPEALER:** All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency only.
7. **SEVERABILITY:** If any section, paragraph, subdivision, subsection, clause, or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, subsection, clause, or provision declared invalid and the remainder of this Ordinance shall remain in full force and effect and shall be enforceable.
8. **EFFECTIVE DATE:** This Ordinance shall take effect immediately upon final adoption and publication as required by law.

RECORD OF VOTE										
	First Reading					Second Reading				
	February 23, 2022					March 9, 2022				
	M S	Yes	No	NV	Ab	M S	Yes	No	NV	Ab
Mayor Bartolomeo		X								X
Deputy Mayor Fitzpatrick	S	X					X			
Torchia Buss		X				S	X			
Rizzuto		X								X
Viola	M	X				M	X			
M - Moved	S - Seconded	X - indicates vote			NV - Not Voting			Ab - Absent		