

**TOWNSHIP OF MILLBURN
ORDINANCE NO. 2531-19
AN ORDINANCE AUTHORIZING THE ACQUISITION BY PURCHASE OR
CONDEMNATION OF AN EASEMENT INTEREST IN A PORTION OF THE REAL
PROPERTY LOCATED AT 2 PARK ROAD, KNOWN AS BLOCK 1401, LOT 11**

STATEMENT OF PURPOSE: *This ordinance is being proposed to authorize the acquisition of an irregularly shaped drainage easement interest, as well as a temporary construction easement, at the southwestern corner of property located in the Township on which to locate pipes and related flood control equipment underground. The installation of the pipes and equipment will allow for improved stormwater management.*

WHEREAS, in accordance with N.J.S.A. 40A:12-5(a)(1) “any municipality, by ordinance, may provide for the acquisition of any real property, capital improvement, or personal property: (1) by purchase, gift, devise, lease, exchange, or condemnation;” and

WHEREAS, there is a need to improve the stormwater facilities in the area along Old Short Hills Road; and

WHEREAS, through consultation with the Township’s engineering consultants, Schommer Engineering, Inc., the Township has determined that an improved stormwater management system would be facilitated by replacing the stormwater drainage system in the area of 1 Jefferson Avenue and 2 Park Road, running beneath Old Short Hills Road; and

WHEREAS, Schommer Engineering, Inc., has designed a proposed upgrade and revisions to the drainage system to improve capacity, which improvements will require the Township to acquire a drainage and construction easement over a portion of property located at 2 Park Road, also known as Block 1401, Lot 11, as identified in the attached parcel description by metes and bounds, in the Township of Millburn; and

WHEREAS, based upon the goal of mitigating the impact of stormwater in the area and mitigating the risk of flooding due to the presence of stormwater in the area and in consultation with the Township’s consulting engineers, the Township has identified the property located at 2 Park Road as a necessary location on which to locate certain improvements related to the proposed flood mitigation project; and

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Township Committee:

1. The appraisal of the drainage easement and temporary construction easement located at 2 Park Road, (Block 1401, Lot 11) prepared by Value Research Group, LLC on behalf of the Township is hereby accepted and approved in its entirety, including but not limited to the appraised value of \$4,200.00.
2. The Business Administrator and/or the firm of Maraziti, Falcon, LLP is authorized to submit a written offer for the purchase of the aforementioned drainage easement and to negotiate its acquisition with the property owner on the basis of the aforementioned appraisal.

3. In the event that the Business Administrator and/or the firm of Maraziti, Falcon, LLP is unable to acquire the property interest through good faith negotiation, the firm of Maraziti Falcon, LLP is authorized to file an action in Superior Court to acquire the same through condemnation in accordance with the Eminent Domain Act of 1971, N.J.S.A. 20:3-1 et seq. and pursuant to N.J.S.A. 40A:12-5(a)(1).
4. This ordinance shall take effect after final passage and publication as provided by law.

Introduced: 4/16/2019