

**TOWNSHIP OF MILLBURN
ORDINANCE NO. 2552-20
AN ORDINANCE AUTHORIZING THE ACQUISITION BY PURCHASE OR
CONDEMNATION OF AN EASEMENT INTEREST IN A PORTION OF THE REAL
PROPERTY LOCATED AT 48 HOBART GAP ROAD, KNOWN AS BLOCK 3403,
LOT 13**

STATEMENT OF PURPOSE: *This ordinance is being proposed to authorize the acquisition of permanent easement on the corner of Hobart Avenue and Hobart Gap Road in order to enable certain signal and related infrastructure improvements to be made to the intersection.*

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 intersection of Hobart Avenue and White Oak Ridge Road with the addition of a signal and related infrastructure; and

WHEREAS, through consultation with the Township’s engineering consultants, Simco Engineering, PC the Township has determined that certain signal improvements at the intersection of Hobart Avenue and White Oak Ridge Road would improve roadway safety at the intersection; and

WHEREAS, Simco Engineering, PC has designed proposed signal and infrastructure improvements which improvements will require the Township to acquire a permanent easement over a portion of property located at 48 Hobart Gap Road, also known as Block 3403, Lot 13, as identified in the attached parcel description by metes and bounds, in the Township of Millburn; and

WHEREAS, based upon the goal of improving traffic safety at the intersection and in consultation with the Township’s consulting engineers, the Township has identified the property located at 48 Hobart Gap Road as a necessary location on which to locate certain improvements related to the proposed signal and infrastructure improvements; and

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

1. The appraisal of the permanent easement located at 48 Hobart Gap Road, (Block 3403, Lot 13) prepared by Integra Realty Resources on behalf of the Township is hereby accepted and approved in its entirety, including but not limited to the appraised value of \$4,000.00.
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.

Ordinance 2552-20

Introduced: 03/03/2020

CASEY & KELLER, INC.

LAND SURVEYORS + CIVIL ENGINEERS + PLANNERS

N.J. STATE BOARD OF PROFESSIONAL ENGINEERS & LAND SURVEYORS
CERTIFICATE OF AUTHORIZATION NO. 24GA27985400

258 MAIN STREET, MILLBURN, NEW JERSEY, 07041
voice : 973-379-3280 fax: 973-379-7993

Schedule A

UTILITY EASEMENT
HOBART GAP ROAD & HOBART AVENUE

Description of A Proposed Utility Easement
48 Hobart Gap Road
Tax Lot 13, Block 3403
Township of Millburn, Essex County, New Jersey.

BEGINNING at point in the southerly side of Hobart Avenue, where the same is intersected by the easterly side of Hobart Gap Road, said point having a New Jersey State Plane Coordinate of N 690,416.29, E 535,930.29, said coordinates and the bearings that follow are based upon NAD 1983 survey datum;

- thence (1) along said side of Hobart Avenue N 78 deg. 43 min. 13 sec. E 42.83 feet;
- thence (2) S 11 deg. 16 min. 47 sec. E 3.10 feet;
- thence (3) S 78 deg. 43 min. 13 sec. W 29.47 feet;
- thence (4) S 55 deg. 30 min. 46 sec. W 5.09 feet;
- thence (5) S 24 deg. 37 min. 20 sec. W 45.05 feet to the easterly side of Hobart Gap Road;
- thence (6) along said side of Hobart Gap Road northerly on the arc of a curve, curving to the left with a radius of 152.00 feet for a distance of 1.39 feet to a point of tangency in the same, said curve also being defined by a chord bearing of N 10 deg. 53 min. 01 sec. E and a chord distance of 1.39 feet;
- thence (7) N 10 deg. 37 min. 13 sec. E 43.44 feet to the southerly side of Hobart Avenue and the point or place of BEGINNING.

The above described easement containing 379 square feet.


Michael Lanzafama PE & PLS

NJ Reg. # 30084