

2016-37 Authorization of \$95,000.00 to Acquire Permanent Right of Way Dedications and Temporary Construction Easements from Five Properties on Cherry Valley Road (#200, 206, 212, 222, and 224) in the Municipality of Princeton for Road Improvements

WHEREAS, the Municipality of Princeton (“Princeton”) has determined that a section of Cherry Valley Road is in need of improvement; and

WHEREAS, Princeton has entered into a shared services agreement with the Township of Montgomery for certain improvements to Cherry Valley Road; and

WHEREAS, in order to complete the road improvements, it is necessary to acquire interests in portions of certain properties known as Block 601, Lot 2, Block 601, Lot 3, Block 601, Lot 4, Block 601, Lot 5, Block 601, Lot 6 on the Princeton’s Tax Assessment Maps (hereinafter “the Properties”), and more particularly described in the legal descriptions prepared by Omland Engineering Associates, Inc., for and on behalf of Princeton, attached hereto as Exhibit A, which enumerate the interests Princeton believes are appropriate for acquisition; and

WHEREAS, the current owners of the Properties, and the interests required, are as follows:

Block 601, Lot 2, 224 Cherry Valley Road, is Chin Te-Ning & Mary K (Permanent Right-of-Way Dedications and Temporary Construction Easement);

Block 601, Lot 3, 222 Cherry Valley Road, is Wu, Nick & Chii-fen Wang (Permanent Right-of-Way Dedications and Temporary Construction Easement);

Block 601, Lot 4, 212 Cherry Valley Road, is Lasley, John R (Two Permanent Public Right-of-Way Dedications and Temporary Construction Easement);

Block 601, Lot 5, 206 Cherry Valley Road, is Worcester, Lawrence M (Permanent Right-of-Way Dedication and Temporary Construction Easement);

Block 601, Lot 6, 200 Cherry Valley Road, is Viswanathan Mohana & Sweta Patel (Permanent Right-of-Way Dedication and Temporary Construction Easement);

WHEREAS, it is estimated that the cost of acquiring said property interests, together with title, legal and other closing costs, is anticipated to be approximately ninety-five thousand dollars (\$95,000.00); and

WHEREAS, the Council adopted Ordinance 2015-7, entitled Bond Ordinance Providing for Various Capital Improvements In and By Princeton, In the County of Mercer, New Jersey, Appropriating \$9,175,865 Therefor and Authorizing the Issuance of \$8,472,007 Bonds or Notes of Princeton to Finance Part of the Cost Thereof; and

WHEREAS, the acquisition of the above-referenced easements furthers the purposes of Ordinance 2015-7; and

WHEREAS, it is anticipated that the cost of acquiring said easements will be less than the remaining funding available pursuant to Ordinance 2015-7;

WHEREAS, Princeton is acquiring the Properties consistent with its authority to acquire privately-owned land for public purposes, pursuant to the Local Land and Buildings Law, N.J.S.A. 40A:12-1 et seq.; and

WHEREAS, Princeton and the record owners of the Properties must engage in a bona fide negotiation process, whereby Princeton intends to acquire the required property rights by way of mutual agreement in accordance with the values opined by the Princeton's appraiser; and

WHEREAS, Princeton has the authority to acquire the required property interests for the Properties by eminent domain under the Eminent Domain Act of 1971, N.J.S.A. 20:3-1 et seq., if the required property interests cannot be obtained through bona fide negotiations; and

NOW, THEREFORE, BE IT ORDAINED by the Princeton Council as follows:

Section 1. Pursuant to N.J.S.A. 40A-12-1 et seq., the acquisition of the required interests in the Properties as described in the above recitals, in furtherance of the above-stated purposes is hereby authorized.

Section 2. Princeton's Clerk, Administrator, Chief Financial Officer, Attorney and other appropriate staff are hereby authorized to proceed with the acquisition of the Properties as described herein and to close title thereon, and to execute such other documents as may be reasonably necessary and/or customary for the acquisition of interests in the Properties as described in the above recitals.

Section 3. Princeton, through its attorney, is hereby authorized to acquire the required property interests for the Properties by eminent domain under the Eminent Domain Act of 1971, N.J.S.A. 20:3-1 et seq., if the required property interests cannot be obtained through bona fide negotiations.

Section 4. All ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Section 5. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any 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 portion thereof.

Section 6. This Ordinance shall take effect upon its final adoption and publication as provided for by law.

STATEMENT OF PURPOSE: This ordinance authorizes Princeton to acquire certain properties as part of a municipal road improvement project.

I, Kathleen K. Brzezynski, Deputy Clerk of Princeton, County of Mercer, State of New Jersey, do hereby certify that the foregoing is a true copy of an ordinance adopted by the Mayor and Council of Princeton at its meeting held September 26, 2016.

A handwritten signature in cursive script that reads "Kathleen K. Brzezynski".

Kathleen K. Brzezynski

Deputy Clerk