

ORDINANCE NO. 2023-

**TOWNSHIP OF MIDDLETOWN
COUNTY OF MONMOUTH**

**ORDINANCE AUTHORIZING ACQUISITION OF DEED OF PERMANENT
ROADWAY EASEMENT UPON A PORTION OF BLOCK 1072, LOT 37.01**

WHEREAS, the Township of Middletown (the “Township”) has sought to make certain roadway improvements upon a portion of Block 1072, Lot 37.01, which includes a privately owned right of way used for access to the Acme shopping center located in the Lincroft section of the Township; and

WHEREAS, N.J.S.A. 40A:12-4(a) authorizes municipalities to acquire interests in real property, including easements, and N.J.S.A. 40A:12-5(a) requires the acquisition of such interests be authorized by ordinance; and

WHEREAS, the Township has conducted years of due diligence in coordination with the County of Monmouth and has been negotiating in good faith with the property owner to acquire necessary property rights to construct a newly improved roadway to allow for ingress and egress to and from the property onto Middletown-Lincroft Road; and

WHEREAS, negotiations have resulted in an agreement for the Township, without having to use eminent domain, to acquire a Deed of Permanent Roadway Easement consisting of approximately 31,993 square feet (.734 acres) to construct the necessary roadway improvements being sought for \$500,000; and

WHEREAS, capital funds have already been authorized to acquire these property interests.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Middletown, County of Monmouth, State of New Jersey, as follows:

1. The findings set forth in the foregoing recitals are hereby incorporated as if fully restated herein.
2. The Mayor and Township Clerk are hereby authorized to execute the Deed of Permanent Roadway Easement attached hereto as **Exhibit A** subject to the final review and approval of the Township Attorney and Township Engineer.
3. The Mayor, Township Clerk, Township Attorney, and Township Administrator are hereby authorized and directed to execute and

file all such documents and undertake all actions as may be reasonably necessary to effectuate the acquisition of the easement authorized herein.

4. All ordinances and resolutions, and parts of ordinances and resolutions, which are inconsistent with provisions of this ordinance shall be, and are hereby, repealed to the extent of any such inconsistency.
5. This Ordinance shall take effect upon passage and publication in accordance with law.