

**CITY OF NORTHFIELD, NEW JERSEY
ORDINANCE 8-2018**

**AN ORDINANCE PROVIDING FOR AND AUTHORIZING THE
ACQUISITION OF RIGHT OF WAY AND TEMPORARY
CONSTRUCTION EASEMENTS BY THE CITY OF NORTHFIELD, IN
THE COUNTY OF ATLANTIC, STATE OF NEW JERSEY**

WHEREAS, on behalf of the County of Atlantic, subject to the protections and exceptions contained in N.J.S.A. 27:16-6 governing the maintenance of roads, easements and rights of way, and in connection with the terms and conditions of a certain agreement between the City of Northfield and County of Atlantic entitled AGREEMENT BETWEEN THE COUNTY OF ATLANTIC AND THE CITY OF NORTHFIELD REGARDING IMPROVEMENTS TO MILL ROAD (MAPLE RUN BRIDGE THRU PHILMAR DRIVE), and subject to certain exceptions set forth below, the City of Northfield desires to accept certain Right of Way and Temporary Construction Easements (collectively “Easements”) over portions of the real properties located at:

Block	Lot	Address
3	51	1316 W. Mill Road
14	14	1224 W. Mill Road
14	11.12	1206 W. Mill Road
14	11.01	1200 W. Mill Road ¹
34	21.02	824 W. Mill Road
34	17	800 W. Mill Road
34	16	730 W. Mill Road
34	15	720 W. Mill Road
34	14	704 W. Mill Road
34	13	700 W. Mill Road
16.01	38.01	815 W. Mill Road

for the purpose of developing and enhancing pedestrian movement by installing a continuous sidewalk along the south side of Mill Road from Maple Run Bridge through Philmar Drive and from Northwood Court to Burton Avenue on the north side of Mill Road;

WHEREAS, the Local Lands and Building Law, N.J.S.A. 40A:12-1, et seq. authorizes, in pertinent part, a municipality to acquire real property, including an interest in real property, including but not limited to easements, as may be necessary and suitable for the performance of municipal functions, including the construction of capital improvements;

¹ This Property requires a Right of Way Easement and Temporary Construction Easement. All other properties only require a Right of Way Easement.

WHEREAS, the City Council of Northfield has determined that it is in the best interest of the public to accept the above-stated easements, under terms and conditions either the same as or substantially similar to those terms and conditions embodied in the attached pro-forma easement;

WHEREAS, the acceptance of the Easements contemplated herein is hereby expressly made subject to the provisions and exceptions contained in N.J.S.A. 27:16-6 which provides that nothing shall divest the City of Northfield, in the exercise of its discretion, of its power to construct, grade, curb, pave or repair the sidewalks and curbs in the areas above mentioned.

NOW, THEREFORE, BE IT HEREBY ORDAINED by the Mayor and Council of the City of Northfield, County of Atlantic and State of New Jersey as follows:

Section 1. On behalf of the County of Atlantic and subject to the terms, conditions and exception(s) contained herein, the City of Northfield hereby approves the obtaining and acceptance of Right of Way and Temporary Construction Easements on the properties referenced above in accordance with the terms, conditions and descriptions contained in the attached pro-forma easement. Toward this end, the appropriate representatives of the City of Northfield are hereby authorized, empowered and directed to negotiate for and on behalf of Atlantic County with the owners of the subject properties for the acquisition of the subject easements.

Section 2. The Mayor is hereby authorized, empowered and directed to execute the above-stated Easements on behalf of the City once executed and delivered by the owners of the subject properties.

Section 3. If any provision of this ordinance or the application of this ordinance to any person or circumstances is held invalid, the remainder of this ordinance shall not be affected and shall remain in full force and effect.

Section 4. This Ordinance shall become effective upon final adoption and publication as prescribed by law.

Mary Canesi, RMC, Municipal Clerk

Erland Chau, Mayor

The above Ordinance was passed on first reading at a regular meeting of the Common Council of the City of Northfield, New Jersey on the 21st day of August, 2018 and will be taken up for a second reading, public hearing and final passage at a meeting of said council held on the 11th day of September, 2018, in Council Chambers, City Hall, Northfield, New Jersey.

FIRST READING: August 21, 2018
PUBLICATION: August 25, 2018
SECOND READING: September 11, 2018
PUBLICATION: September 15, 2018