

# Egg Harbor Township

## Ordinance No. 2

2017

**An ordinance authorizing the acquisition of property known as Block 5903, Lot 2 on Dutch Avenue, Block 5904, Lot 7 on Dutch Avenue and Block 5905, Lot 3 on Dutch Avenue as set forth on the official tax map in the Township of Egg Harbor, County of Atlantic and State of New Jersey**

**WHEREAS**, the Township of Egg Harbor is desirous of purchasing properties situate within its boundaries for purposes of preserving open space; and

**WHEREAS**, N.J.S.A. 40A:12-11 et seq permits a municipality to acquire real property if it is provided for in their capital budget and the property to be acquired is in conformity with both the Zoning Ordinances and Master Plan of the municipality;

**BE IT ORDAINED**, by the Township Committee for the Township of Egg Harbor, County of Atlantic and State of New Jersey that:

**SECTION 1. Conveyance.** Upon the terms hereinafter set forth, the property owner of the property being purchased by the Township known as Block 5903, Lot 2 on Dutch Avenue, Block 5904, Lot 7 on Dutch Avenue and Block 5905, Lot 3 on Dutch Avenue, hereinafter referred to as "Property" shall convey to Egg Harbor Township the Property identified and as further shown on the current Tax Map of the Township of Egg Harbor.

**SECTION 2. Consideration.** The purchase for the Property shall be Eleven Thousand Eight Hundred Dollars (\$11,800) to be paid in cash or by certified check by the Township of Egg Harbor to the property owner. Funds for this purpose are available from the Township Open Space Fund.

**SECTION 3. Closing.** Closing shall take place at a time and location to be mutually agreed upon.

**SECTION 4. Title.** Title shall be conveyed by the property owner by a Bargain and Sale Deed with covenants as to the Grantor's Acts and a standard Affidavit of Title, which Deed shall be prepared and provided by the Township Solicitor.

**SECTION 5. Environmental.** The Township of Egg Harbor shall assume responsibility for the completion of an environmental assessment. Any and all related costs with respect to environmental remediation in the event that environmental contamination is discovered on, about, or beneath the Lots is the responsibility of the Seller.

**SECTION 6:** The Township Clerk shall immediately, upon final passage and publication of this Ordinance, make and file in the Office of the Clerk of the County of Atlantic a copy of this Ordinance, together with a copy of the proof of publication thereof, duly certified by her, under the corporate seal of the Township of Egg Harbor, for recording as required by law.

**SECTION 7:** All ordinances and parts of Ordinances inconsistent with the provisions of this ordinance are, to the extent of such inconsistency, hereby repealed.

**SECTION 8:** Should any section, clause, sentence, phrase or provision of this Ordinance be declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this ordinance.

**SECTION 9.** This Ordinance shall become effective immediately upon final adoption and publication according to law.

Notice is hereby given that the foregoing Ordinance was introduced at a meeting of the Township Committee of Egg Harbor Township, in the County of Atlantic, State of New Jersey, held January 25, 2017 and will be further considered for final passage after a public hearing thereon at a regular meeting of said Township Committee to be held in the Township Hall, in said Township on February 15, 2017.

Dated: January 25, 2017

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Eileen M. Tedesco, RMC  
Township Clerk