Ordinance #2006-1044

AN ORDINANCE TO AUTHORIZE THE ACQUISITION, BY PURCHASE OR CONDEMNATION, OF CERTAIN PROPERTY INTERESTS WITHIN THE RUSTIC MALL REDEVELOPMENT AREA OF THE BOROUGH OF MANVILLE KNOWN AS PORTIONS OF Block 310.01, *VIZ.*, Lots 2.01 & 2.02 ON THE OFFICIAL TAX MAP OF THE BOROUGH OF MANVILLE, CONSISTING OF CERTAIN LEASEHOLD INTERESTS

WHEREAS, pursuant to N.J.S.A. 40A:12A-8, the Mayor and Council of the Borough of Manville (hereinafter the "Borough Council"), acting as the redevelopment entity for the Rustic Mall Redevelopment Project, is authorized to acquire property located within a designated redevelopment area by negotiation or condemnation; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-5, the Rustic Mall Redevelopment Area was determined to be an area in need of redevelopment by the Mayor and Council through Resolution No. 2004-41, adopted by it on February 9, 2004; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7, the Rustic Mall Redevelopment Plan was adopted by the Mayor and Council through Ordinance No. 2005-1000 on February 15, 2005; and

WHEREAS, the Rustic Mall Redevelopment Plan identifies certain property interests to be acquired and redeveloped, including portions of Block 310.01, *viz.*, Lots 2.01 & 2.02; and

WHEREAS, the Rustic Mall Redevelopment Plan states that all leasehold interests in Block 310.01, Lots 2.01 & 2.02 shall be subject to acquisition through negotiation and/or condemnation should it be required to achieve the goals and objectives of the redevelopment plan; and

WHEREAS, certain leasehold interests remain, which the contract redeveloper, Rustic Mall, LLC, has been unable to acquire and has requested that the Borough acquire in accordance with law and with the Redevelopment Agreement by and between the Borough and Rustic Mall, LLC; and

WHEREAS, these leasehold interests are identified as "Manville Pizza Restaurant", "New Fortune Restaurant", and "Speedwash Laudromat of Manville"; and

WHEREAS, the Mayor and Council has determined that it will serve the public interest and the purposes of the Borough and the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 et seq.) for it to acquire the leasehold interests identified above as part of the assemblage of property to be redeveloped for a mixed-use redevelopment project.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Manville as follows:

1. The acquisition by negotiation and/or eminent domain of the following property interests: "Manville Pizza Restaurant", "New Fortune

Restaurant", and "Speedwash Laudromat of Manville", located on portions of Block 310.01, *viz.*, Lots 2.01 & 2.02 is hereby authorized.

2. The contract redeveloper, Rustic Mall, LLC, in accordance with the Redevelopment Agreement by and between the Borough and Rustic Mall, LLC, shall pay for the acquisition of the property interests set forth in Paragraph 1 hereof, the fair market value of any leasehold interest as determined by an appraisal report prepared on behalf of the Borough by a recognized and qualified appraiser approved by the Mayor and Council; and

3. The Mayor and other Borough officials are hereby authorized to take all actions necessary to acquire the subject property interests either through negotiation or the exercise of the power of eminent domain, subject to the review of counsel.

Where consistent with the context in which used in this ordinance, words importing the singular shall include the plural; words importing the plural shall include the singular; and, words importing one gender shall include all other genders.

Should any provision of this ordinance be inconsistent with the provisions of any prior ordinances, the inconsistent provisions of said prior ordinances are hereby repealed, but only to the extent of such inconsistencies.

In the event that any provision of this ordinance, or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this ordinance which may be given effect, and, to realize this intent, the provisions and applications of this ordinance are declared to be severable.

This ordinance shall be effective immediately upon final adop tion, approval and publication in accordance with law.

Borough of Manville

Angelo Corradino, Mayor

ATTEST:

Philip E. Petrone, Borough Clerk

STATEMENT OF PURPOSE

The purpose of this Ordinance is to authorize the acquisition of certain interests in real property for redevelopment purposes.

ORDINANCE #2006-1044

FIRST READING:

Introduced	Seconded	Council	Yes	No	Abstain	Absent
		ASHER	√			
		OTRIMSKI	√			
√		**PETROCK**	√			
		PETRONE	√			
	√	**QUICK**	√			
		SZABO	√			
		MAYOR CORRADINO				

PASSED this _____**9th**_____ day of _____**October**_____, 2006.

Attest:

Philip E. Petrone, Borough Clerk

SECOND READING:

Introduced	Seconded	Council	Yes	No	Abstain	Absent
		ASHER	√			
		OTRIMSKI	√			
√		**PETROCK**	√			
		PETRONE	√			
		QUICK				√
	√	**SZABO**	√			
		MAYOR CORRADINO				

PASSED this _____**23rd**_____ day of _____**October**_____, 2006.

Attest:

Philip E. Petrone, Clerk