

ORDINANCE NO. 3688

AN ORDINANCE TO AUTHORIZE ACQUISITION OF EASEMENTS ON CERTAIN LANDS WITHIN THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY, FOR THE PURPOSE OF CONSTRUCTING A FORCE MAIN FOR THE PINE STREET SEWER PUMP STATION- BLOCK 151 LOT 24, BLOCK 150 LOT 53(69), BLOCK 150, LOT 84(172), BLOCK 150 LOT 95(132), BLOCK 150 LOT 126(211), BLOCK 150 LOT 137(183)

SUMMARY

An Ordinance authorizing the acquisition of easements on certain lands for the purpose of constructing a force main for the Pine Street Sewer Pump Station Block 151 Lot 24, Block 150 Lot 53(69), Block 150, Lot 84(172), Block 150 Lot 95(132), Block 150 Lot 126(211), Block 150 Lot 137(183).

WHEREAS, the Franklin Township Sewerage Authority has determined that certain sewer improvements are necessary along the Route 27 corridor to divert flows to its School Ave pumping station, to decrease flows to New Brunswick and to increase system capacity; and,

WHEREAS, the Township of Franklin has adopted a redevelopment plan known as Renaissance 2000 and designated the Franklin Township Redevelopment Agency to implement same; and,

WHEREAS, a critical element of the success of the redevelopment plan is the construction and rehabilitation of infrastructure such as water and sewer facilities; and,

WHEREAS, a number of projects in the redevelopment area are also included in the Township Fair Share Plan and contain affordable housing components such as the Leewood project with provides 113 affordable housing units (and 200 credits in the Township's COAH plan) and the Somerset Douglas project; and,

WHEREAS, the fair share of the costs for property acquisition and constructing the sewer pump station will be assessed against all future developments benefiting thereby; and,

WHEREAS, the Franklin Township Sewerage Authority has requested that the Township act as the Authority's agent for the purpose of acquiring the 20foot easements upon which the force main will be located to connect the Pine Street Sewer Pump Station; and,

WHEREAS, The Franklin Township Sewerage Authority will reimburse the Township for all costs associated with the acquisition of the subject property; and,

WHEREAS, pursuant to N.J.S.A. 40A:48-2, the Township of Franklin is authorized to adopt ordinances for the preservation for public health, safety and welfare; and,

WHEREAS, pursuant to N.J.S.A. 40A:12-5 the Township has the power to acquire any real property for a public purpose by purchase or condemnation.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey that the acquisition of the 20foot easements on the parcels of land by purchase or the exercise of eminent domain is hereby authorized as follows:

SECTION I

EASEMENT- BLOCK 151-LOT 24
EASEMENT- BLOCK 150-LOT 53, ALSO KNOWN AS 69
EASEMENT -BLOCK 150-LOT 84, ALSO KNOWN AS 172
EASEMENT - BLOCK 150-LOT 95, ALSO KNOWN AS 132
EASEMENT- BLOCK 150- LOT 126, ALSO KNOWN AS 211

EASEMENT-BLOCK 150-LOT 137, ALSO KNOWN AS 183

The easements on the designated properties shall be in the form approved by the Township Attorney, incorporated by reference and made part of this ordinance. The purpose of said easement shall be for the purpose of constructing a force main for the Pine Street Pump Station.

SECTION II

The Township shall cause an appraisal of the properties to be conducted and shall pay for the acquisition of those properties as set forth in paragraph one hereof the fair market value of said land to be established in negotiations or established by a court of competent jurisdiction.

SECTION III

Each clause, section or subsection of this ordinance shall be deemed a separate provision to the intent that if any such clause, section or subsection should be declared invalid, the remainder of the ordinance shall not be affected.

BE IT FURTHER ORDAINED that this Ordinance shall take effect following adoption and publication in a time and manner prescribed by law.

ORDINANCE NO. 3688

Introduced: March 27, 2007
Public Hearing: April 24, 2007
Adoption: May 22, 2007
Notice of Adoption: May 29, 2007
Effective Date: June 11, 2007

Ann Marie McCarthy, Township Clerk