

ORDINANCE NO. 2020- 32

ORDINANCE AUTHORIZING THE ACQUISITION OF AN EASEMENT BY CONDEMNATION OVER AND ACROSS THE LANDS OF MARK D. CHENEY KNOWN AS 2225 N. MILL ROAD, BLOCK 1101, LOT 9.

WHEREAS, Mark D. Cheney is the fee simple owner of 2225 N. Mill Road, Block 1101, Lot 9 on the Tax Map of the City of Vineland, (the "Property"); and

WHEREAS, An easement across the Property is necessary for erecting, constructing, maintaining, operating, renewing, upgrading, modifying, inspecting and the continued operation of traffic signals to be located at the intersection of N. Mill Road and Garden Road; and

WHEREAS, a good faith offer to purchase the easement in the amount of \$10,300.00 has been made to the owner of the Property, Mark D. Cheney; and

WHEREAS, the owner of the Property has rejected the good faith offer to purchase the easement; and

WHEREAS, it is anticipated that all other easements necessary for the installation of the traffic signals will be acquired from the respective property owners through negotiations; and

WHEREAS, the intersection of N. Mill Road and Garden Road is heavily traveled and is subject to a large volume of commercial traffic coming from and to the Vineland Industrial Park which extends along N. Mill Road on both sides of its intersection with Garden Road; and

WHEREAS, traffic signals at the intersection of N. Mill Road and Garden Road are desirable and or necessary for the protection of the public safety; and

WHEREAS, City Council finds it to be in the best interests of the City of Vineland to acquire the easement across the property by way of condemnation.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Vineland that the Solicitor of the City of Vineland, or his designee, is authorized to take any and all action that is reasonable or necessary, including the exercise of the City's right of eminent domain, to acquire a permanent easement on, over, under, upon and across lands of Mark D. Cheney described below, for the purpose of erecting, constructing, maintaining, operating, renewing, upgrading, modifying, and inspecting traffic signals to be located at the intersection of N. Mill Road and Garden Road together with the free right to enter and depart over and across the area of the easement.

The property to be subject to the easement is the entire 440 foot frontage of 2225 N. Mill Road, Block 1100 Lot 9 of the Tax Map of the City of Vineland to a depth of 20 feet, more particularly described as follows:

Beginning at a point in the existing easterly right-of-way line of Mill Road, (50 feet wide). Said point being 415.00 feet southerly from its intersection with the existing southerly right-of-way line of West Garden Road, (C.R. 674) (50 feet wide), and from said point of BEGINNING, runs;

1. South 86 Degrees 12 Minutes 10 Seconds West, a distance of 20.00 feet to a point; thence
2. South 03 Degrees 47 Minutes 50 Seconds West, a distance of 440.00 feet to a point; thence
3. North 86 Degrees 12 Minutes 00 Seconds West, a distance of 20.00 feet to a point in the existing easterly right-of-way line of Mill Road; thence
4. Along the same, North 03 Degrees 47 Minutes 50 Seconds West, a distance of 440.00 feet to Point and place of BEGINNING.

CITY OF VINELAND

Having an area of 8,800 square feet. As shown on a plan entitled "Intersection Improvements, of West Garden Road (C.R. 674) and Mill Road, showing Existing Right of Way and Parcels To Be Acquired In The City of Vineland, County of Cumberland, State of New Jersey. Scale: As Indicated, July 10, 2017, Sheet 2." Subject to any public utility easements, recorded or unrecorded, affecting the herein described premises as shown on the aforesaid map.

BE IT FURTHER ORDAINED that the acquisition of the easement described above is for a public purpose.

BE IT FURTHER ORDAINED that the City of Vineland is authorized acquire the easement for \$10,300.00 or such other price as established by the Commissioners appointed by a Court of competent jurisdiction.

This Ordinance shall take effect upon adoption and publication according to law.

Passed first reading:

Passed final reading:

---

President of Council

Approved by the Mayor:

---

Mayor

ATTEST:

---

City Clerk