

**ORDINANCE NO. 923**

**AN ORDINANCE AUTHORIZING THE BOROUGH OF OCEANPORT TO ACQUIRE CERTAIN REAL PROPERTY KNOWN AND DESIGNATED AS BLOCK 108, LOTS 11 AND 12 ON THE OCEANPORT BOROUGH TAX MAP**

**WHEREAS**, property located at 89 Orchard Drive has been offered to the Borough for acquisition by the current property owner; and

**WHEREAS**, the Borough wishes to acquire the subject property, which is known and designated as Block 108, Lots 11 and 12 on the Oceanport Borough Tax Map (record owner: Charles R. Palumbo), which consists of approximately .358 acres of land; and

**WHEREAS**, the Mayor and Council of the Borough of Oceanport believe that the acquisition of this property in fee, pursuant to the "Local Lands and Buildings Law," *N.J.S.A. 40A:12-1, et seq.*, will provide a benefit to the Borough, as additional land contiguous to two currently owned Borough lots; and

**WHEREAS**, in furtherance thereof, the Mayor and Council wish to authorize the expenditure of funds in an amount not to exceed \$110,000 for the said acquisition, which sum shall include all necessary appraisals, engineering, environmental, surveying, title, legal and other costs related thereto; and

**WHEREAS**, there are sufficient funds available in the Borough's Open Space Dedicated Trust Fund for said purchase; and

**NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED** by the Mayor and Council of the Borough of Oceanport, in the County of Monmouth and State of New Jersey, as follows:

1. That, pursuant to the "Local Lands and Buildings Law," *N.J.S.A. 40A:12-1, et seq.*, the Borough of Oceanport is hereby authorized to acquire in fee the real property known and designated as Block 108, Lots 11 and 12 on the Oceanport Borough Tax Map..

2. That the expenditure of funds from the Open Space Dedicated Trust Fund for the said acquisition, including all related costs, in an amount not to exceed \$110,000 is hereby authorized.

3. That the Mayor is hereby authorized to execute and the Borough Clerk to attest any and all documents that are necessary in order to effectuate the acquisition of this property, including Assignment Agreements, provided that said documents are in a form acceptable to the Borough Attorney prior to final execution.

4. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

5. That this Ordinance shall take effect upon final passage and publication in accordance with the law.

6. That, in the event that any portion of this Ordinance is found to be invalid for any reason by any court of competent jurisdiction, such judgment shall be limited in its effect only to that portion of the Ordinance actually adjudged to be invalid, and the remaining portions of this Ordinance shall be deemed severable therefrom and shall not be affected.