

BOND ORDINANCE AUTHORIZING AS A LOCAL IMPROVEMENT BY THE TOWNSHIP OF PRINCETON THE INSTALLATION OF BELGIUM BLOCK CURBING ON BOTH SIDES OF ANDREWS LANE AND FOULET DRIVE, APPROPRIATING THE SUM OF \$118,600.00 THEREFOR, PROVIDING FOR THE FINANCING OF SAID APPROPRIATION BY THE MAKING OF A DOWN PAYMENT AND THE ISSUANCE OF BONDS AND/OR NOTES OF SAID TOWNSHIP, AND FURTHER PROVIDING FOR A SPECIAL ASSESSMENT OF 100% OF THE COST THEREOF AND THE EXECUTION OF A CURB INSTALLATION AGREEMENT WITH THE ANDREWS-FOULET HOMEOWNERS ASSOCIATION.

BE IT ORDAINED by the Township Committee of the Township of Princeton as follows:

1. The Township of Princeton (hereinafter referred to as a Municipality@) is hereby authorized to install Belgium block curbing on both sides of Andrews Lane and Foulet Drive their entire length in conjunction with the Municipality's Road Resurfacing Program.
2. The work, acquisition or improvement authorized by Section 1 of this Ordinance shall be undertaken as a local improvement pursuant to Chapter 56 of Title 40 of the Revised Statutes of New Jersey. One hundred percent (100%) of the cost thereof shall be assessed upon the lands benefited thereby.
3. It is hereby determined and stated that: (a) the undertaking of the aforesaid work, acquisition or improvement (hereinafter referred to as a purpose@) is not a current expense of the Municipality; (b) it is necessary to finance said purpose by the issuance of obligations of the Municipality pursuant to the Local Bond Law (*N.J.S.A. 40A:2-1, et seq.*); (c) the estimated cost of said purpose is \$118,600.00; (d) the estimated maximum amount of bonds or notes to

be issued for said purpose is \$112,600.00; (e) the supplemental debt statement required by the Local Bond Law has been duly made and filed in the Office of the Municipal Clerk and shows that the gross debt of the Municipality as defined in Section 40A:2-43 of said law is increased by the authorization of the aforesaid obligations by \$112,600.00 and that said obligations will be within debt limitations prescribed by the Local Bond Law; (f) the period of usefulness of the said purpose, within the limitations of said Local Bond Law, is 10 years; (g) it is estimated that the maximum amount of special assessments for said purpose will be \$118,600.00; and (h) the special assessments on account of said purpose may be paid in not more than ten (10) consecutive equal annual installments, with interest as provided by law.

4. The estimated cost of said purpose includes the sum of \$5,700.00, which is the estimated aggregate amount for items of expense permitted under Section 40A:2-20 of the Local Bond Law.

5. In order to finance the said appropriation and to meet the part thereof not met by the down payment, negotiable bonds and bond anticipation notes of the Municipality in an aggregate principal amount not exceeding \$112,600.00 are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law. The power and obligation of the Municipality to pay any and all such obligations issued by it shall be unlimited, and the Municipality shall levy ad valorem taxes upon all taxable property therein for the payment of the principal of and interest on such obligations without limitation as to rate or amount.

6. Notice is hereby given to the owners of the real property on Andrews Lane and Foulet Drive who shall be benefited by said improvement of the intention of the Municipality to make and levy special assessments against all such lots and parcel of real estate in an aggregate amount totaling 100% of the cost of the work, acquisition or improvement as set forth in Section 1 hereinabove if there is any default on repayment by the Andrews-Foulet Homeowners Association (hereinafter referred to as "Association"). Any individual lot assessment would be for the cost of the improvements authorized in Section 1 herein above in accordance with the Township Engineer=s certification of the benefit derived by each property owner for their share of this local improvement based on the linear feet of curbing per lot. Such special assessment shall be made and levied in the manner provided by law and shall be as nearly as may be in proportion to and not in excess of the particular benefits, advantage or increase in the value which the respective lots and parcels of real estate shall be deemed to receive by reason of said improvements.

7. The Association or owner of any land upon which any assessment for said local improvement shall have been made may pay such assessment in the number of equal yearly installments herein determined, with legal interest on the unpaid balance of the assessment. The first of said installments shall be due and payable two months after the confirmation of the assessments and each subsequent annual installment and interest shall be payable in each successive year thereafter at such time as the Municipality shall by resolution determine, provided that any owner of land so assessed shall have the privilege of paying the whole of any assessment or of any balance of installments with accrued interest thereon at any time, provided, however, in case any such assessment shall remain unpaid for 30 days from and

after the date it shall become due and payable, the whole assessment or balance thereof shall become and be immediately due and payable and shall draw interest at the rate imposed upon the arrearages of taxes in the Municipality and shall be collected in the same manner as provided by law for all other past due assessments; such assessment shall remain a lien upon the land described therein until the same with all installments and accrued interest thereon shall be paid and satisfied. Notwithstanding anything herein to the contrary, the Municipality shall have the right to waive default as may be permitted by law.

8. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 1 is not a current expense.

It is an improvement or purpose that the Municipality may lawfully undertake as a local improvement, the cost of which shall be specially assessed on property specially benefited thereby.

(b) The number of annual installments within which the special assessments are to be levied on the lots and parcels of real estate benefited by said improvement is ten (10).

9. The work, acquisition or improvement authorized by Section 1 of this Ordinance shall be undertaken by the Municipality. The sum of \$118,600.00 is hereby appropriated for said purpose, and said sum includes \$6,000.00 from the ACapital Improvement Fund@ of the Municipality as the down payment for said purpose as required by law and now available therefor under a budget or budgets of the Municipality previously adopted.

10. The capital budget of the Municipality is hereby amended to conform with the provisions of this Ordinance to the extent of any inconsistency herewith.

11. The Municipality is hereby authorized to enter into a Curb Installation Agreement with the Andrews-Foulet Homeowners Association to provide for repayment to the Municipality by said Association on behalf of the benefited property owners on Andrews Lane and Foulet Drive for 100% percent of the cost of the improvement (Belgium block curbing) provided for in paragraph 1 hereinabove. Said Association shall be billed by the Municipality annually for the principal and interest due and owing for the Belgium block curbing installation. Should the Association default on any annual installment due, pursuant to paragraph 6 hereinabove, without further notice to the Association, all of the benefited property owners on Andrews Lane and Foulet Drive shall be specially assessed for any remaining balance (principal and interest) for the installation of the Belgium block curbing provided for in paragraph 1 of this Ordinance. Said assessment shall be calculated on a linear foot basis with each lot assessed for the linear feet of Belgium block curbing adjacent to their lot. Said assessments shall constitute a lien on the individual lots as permitted by Title 40 of the Laws of the State of New Jersey and shall be satisfied by the owners of said benefited lots.

12. This Ordinance shall take effect twenty (20) days after first publication thereof after final adoption, as required by law.

Linda S. McDermott, Clerk

Chad Goerner, Mayor