

2017-54 AN ORDINANCE BY THE MUNICIPALITY OF PRINCETON AUTHORIZING THE ACQUISITION OF EASEMENTS FOR TRAFFIC SIGNAL IMPROVEMENTS AT THE INTERSECTION OF NORTH HARRISON STREET AND HAMILTON AVENUE FROM BLOCK 31.03 LOT 60 (277 HAWTHORNE AVENUE), BLOCK 31.02 LOT 75.02 (88 NORTH HARRISON STREET), BLOCK 32.07 LOT 177 (200 HAMILTON AVENUE) AND BLOCK 32.12 LOT 1 (QUEENSTON COMMONS) FOR A TOTAL AMOUNT NOT TO EXCEED \$25,000.00

WHEREAS, the Municipality of Princeton (“Princeton”) has determined that the traffic signal at the intersection of North Harrison Street and Hamilton Avenue is in need replacement to accommodate pedestrian upgrades; and

WHEREAS, in order to complete the improvements, it is necessary to acquire easements across portions of the properties designated as Block 31.02, Lot 75.02; Block 31.03, Lot 60; Block 32.07, Lot 17; and Block 32.12, Lot 1, on the Princeton’s Tax Assessment Maps (hereinafter “the Properties”), as more particularly described on the drawing attached hereto as Exhibit “A”; and

WHEREAS, the record owners of the Properties are as follows:

Block 31.02, Lot 75.02, 88 North Harrison Street, - Joe Cauchi and Tanya N. Brinsdan;

Block 31.03, Lot 60, 277 Hawthorne Avenue, - Joseph C. Small and Alice K. Small;

Block 32.07, Lot 177, 200 Hamilton Avenue, - Abhijeeth Tulast and Deepti Sripada;

Block 32.12, Lot 1, North Harrison Street and Hamilton Avenue, Townsend Common Joint Venture; and

WHEREAS, Princeton has received federal grant funds to cover the costs of making the traffic signal improvements but must use municipal funds to acquire easements needed to

complete the project; and

WHEREAS, it is estimated that the cost of acquiring said easements, together with title, legal and other closing costs, is anticipated to be approximately twenty-five thousand dollars (\$25,000.00); and

WHEREAS, the improvements to the traffic signal at the intersection of North Harrison Street and Hamilton Avenue is included among the capital projects to be funded from Princeton capital account #04-215-17-037-076-330; and

WHEREAS, the Chief Financial officer has certified that there are sufficient funds remaining in capital account #04-215-17-037-076-330 to cover the above-referenced costs of acquiring the easements; and

WHEREAS, Princeton is acquiring the Properties consistent with its authority to acquire privately-owned land for public purposes, pursuant to the Local Land and Buildings Law, N.J.S.A. 40A:12-1 et seq., specifically N.J.S.A. 40A:12-4 and in accordance with Federal Highway Administration (FHA) land acquisition requirements; and

WHEREAS, because the value of each easement is less than ten thousand dollars (\$10,000.00), Princeton can proceed with direct and informal negotiations with the record owners of the Properties under FHA land acquisition requirements;

NOW, THEREFORE, BE IT ORDAINED by the Princeton Council as follows:

Section 1. Pursuant to N.J.S.A. 40A:12-1 et seq., the acquisition of the required interests in the Properties as described in the above recitals, in furtherance of the above-stated purposes is hereby authorized.

Section 2. The Mayor, Clerk, Engineer, Administrator, Chief Financial Officer, Attorney and other appropriate officials and staff are hereby authorized to proceed with the

acquisition of the Properties as described herein and to close title thereon and undertake any and all acts and execute any and all documents as may be reasonably necessary and/or customary for the acquisition of easements as described above. This authorization shall include acquisition through an administrative settlement, mediation through Alternative Dispute Resolution, or by eminent domain under the Eminent Domain Act of 1971, N.J.S.A. 20:3-1 et seq., if they cannot be obtained through bona fide negotiations.

Section 3. All ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Section 4. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portion thereof.

Section 5. This Ordinance shall take effect upon its final adoption and publication as provided for by law.

STATEMENT OF PURPOSE: This ordinance authorizes Princeton to acquire easements across certain properties as part of a traffic signal improvement project at the intersection of North Harrison Street and Hamilton Avenue.

The foregoing ordinance was introduced at a meeting of the Mayor and Council of Princeton held on September 25, 2017 and will be further considered for final passage after a public hearing thereon at a meeting of said Mayor and Council to be held in the main meeting room at the Princeton Municipal Complex, 400 Witherspoon Street on October 23, 2017 beginning at 7:00 p.m., and during the week prior and up to and including the date of such meeting, a copy of said ordinance shall be made available free of charge at the Clerk's Office to the members of the general public who shall request the same.



Kathleen K. Brzezynski, Municipal Clerk