



Borough of Manville
Ordinance # 2021-1268

**An Ordinance By The Borough Of Manville Authorizing The Acquisition
Of Temporary Construction Access Easements In Regard To The
Repaving Of Brooks Boulevard**

Statement of Purpose

The purpose of this Ordinance is to authorize the Borough of Manville to enter into Temporary Construction Access Easements in order to facilitate the Borough's removal, repairs and replacement of existing sidewalks and other related improvements in regard to the Repaving of Brooks Boulevard, including the installation of sidewalks compliant with the Americans with Disabilities Act.

WHEREAS, the Mayor & Council of the Borough of Manville previously approved, by Resolution #2021-40, an Agreement for the Repaving of Brooks Boulevard; and

WHEREAS, N.J.S.A. 40A:12-4 authorizes a municipality to acquire easements; and

WHEREAS, N.J.S.A. 40A:12-5 requires that the acquisition of easements by municipalities be accomplished by ordinance; and

WHEREAS, the Borough Engineer has recommended that the Borough of Manville enter into Temporary Construction Access Easements in order to facilitate the Borough's removal and replacement of existing sidewalks and other related improvements in regard to the Repaving of Brooks Boulevard; and

WHEREAS, the Borough Attorney and Borough Engineer have reviewed the proposed form of Temporary Construction Access Easements and recommend that said easements be acquired by the Borough of Manville,

NOW THEREFORE, BE IT ORDAINED, by the Mayor & Council of the Borough of Manville in the County of Somerset, State of New Jersey, as follows:

SECTION 1: The Borough of Manville hereby approves and authorizes the acquisition, at a cost not to exceed \$10.00 (ten dollars) per easement, of Temporary Construction Access Easements in the form annexed to this Ordinance as Exhibit A hereto, for such properties located along Brooks Boulevard as the Borough Engineer may recommend, including but not limited to the following properties along Brooks Boulevard, as indicated on the construction surveys listed as Sheets 4 through 11, as attached to this Ordinance at Exhibit B hereto, and as identified by the following Lots and Blocks:

Sheet 04:
Block 64, Lot 75
Sheet 05:
Block 66, Lot 1
Block 64, Lot 69

Sheet 06:

Block 68, Lot 1
 Block 69, Lot 161
 Block 68, Lot 1

Sheet 07:

Block 71, Lot 1
 Block 71, Lot 55

Sheet 08:

Block 74, Lot 46
 Block 53.01 Lot 52
 Block 53.01 Lot 54

Block 53.01 Lot 56

Sheet 09:

Block 57, Lot 53
 Block 57, Lot 56

Sheet 10:

Block 59, Lot 12
 Block 82 Lot 1
 Block 82, Lot 3

Sheet 11:

Block 36, Lot 72
 Block 36, Lot 75

Block 36, Lot 79

Block 82, Lot 43

Block 82, Lot 3

SECTION 2. The Mayor, Borough Administrator, and Borough Clerk, in consultation with the Borough Engineer and the Borough Attorney, are hereby authorized and directed to take such steps as are necessary to effectuate the purposes of this Ordinance, and to execute on behalf of the Borough such documents as are necessary to effectuate the purposes of this Ordinance. The Borough further ordains, authorizes and approves any non-substantive modifications to the annexed form of easement as may be recommended and approved by the Borough Engineer or Borough Attorney prior to final execution of same.

SECTION 3: Repealer. Any prior Ordinance of the Borough of Manville, or any article, section, paragraph, subsection, clause, or other provision of any such prior Ordinance, which is inconsistent with the provisions of this Ordinance, is hereby repealed to the extent of such inconsistency.

SECTION 4: Severability. In the event that any provision of this ordinance, or the application thereof to any person or circumstance is declared invalid by any Court of competent jurisdiction, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective; such holding shall not affect any other provision or application of this ordinance which may be given effect, and, to realize this intent, the provisions and applications of this ordinance are declared to be severable.

SECTION 5: Inconsistency with other Ordinances. Should any provision of this ordinance be inconsistent with the provisions of any other prior ordinances, or shall be inconsistent with any article, section, paragraph, subsection, clause, or other provision of any prior ordinances, the inconsistent provisions of such other prior ordinances are hereby repealed, but only to the extent of such inconsistencies.

SECTION 6: Effective Date. This ordinance shall be effective immediately after final adoption and publication in accordance with law.

Borough of Manville,



Richard M. Onderko, Mayor

**ORDINANCE # 2021-1268
FIRST READING:
ROLL CALL**

Attest:

Wendy Barras

Wendy Barras
Borough Clerk

Introduced	Seconded	Council	Yes	No	Abstain	Absent
		Petrock	✓			
	✓	Lukac	✓			
		Maeder	✓			
		Magnani	✓			
✓		Szabo	✓			
		Zamorski	✓			
		Onderko				

INTRODUCED this 13th day of September, 2021

**SECOND READING AND FINAL ADOPTION:
ROLL CALL**

Attest:

Wendy Barras
Wendy Barras, Borough Clerk

Introduced	Seconded	Council	Yes	No	Abstain	Absent
		Petrock	✓			
	✓	Lukac	✓			
		Maeder	✓			
		Magnani	✓			
✓		Szabo	✓			
		Zamorski	✓			
		Onderko				

[ADOPTED] [DEFEATED] this 13th day of Sep. 2021