

**TOWNSHIP OF ANDOVER
SUSSEX COUNTY, NEW JERSEY**

ORDINANCE #2022-05

**AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF
SUSSEX, STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION
OF AN EASEMENT OF A PORTION OF BLOCK 5, LOT 1, IN THE
TOWNSHIP OF ANDOVER FROM IAT REINSURANCE**

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, *et seq.*, provides that a municipality may, by ordinance, provide for the acquisition of real property or an interest therein by purchase, gift, devise, lease, or exchange; and

WHEREAS, the Township of Andover anticipates the completion of the Lackawanna Cut-Off Rail Project and the construction of a train station in Andover Township; and

WHEREAS, a portion of this project calls for the acquisition of a permanent easement on Block 5, Lot 1, which consists of approximately .16 acres, in order to construct a culvert as part of the permanent drainage easement in conjunction with the Lackawanna Cut-Off project that is being constructed by New Jersey Transit with funding support from the Federal government; and

WHEREAS, the necessity to acquire this property is essential for the completion of the Lackawanna Cut-Off project and NJ Transit was unsuccessful in securing this property; and

WHEREAS, the Township of Andover in an effort to support, promote and complete this project, as well as avoiding further delay in the form of lengthy government agency negotiations and procurement which could lead to years of delay, has taken it upon itself to establish a working relationship with IAT Reinsurance and arrive at an agreement to purchase a permanent easement for the sum of \$115,000; and

WHEREAS, the Township of Andover wishes to proceed with this acquisition with the goal of expediting the completion of the Lackawanna Cut-Off Rail Project and the goal of connecting the Andover Rail Station to play a critical role in the connection of the Lackawanna Cut-Off to Scranton, Pennsylvania and the opportunity to be a part of the Amtrak Rail System; and

WHEREAS, the Township's goal is to participate in this process and also seek reimbursement for the cost that which it is incurring in the acquisition of this land.

NOW THEREFORE, BE IT ORDAINED, by the Andover Township Committee in the County of Sussex and State of New Jersey, as follows:

The Township of Andover hereby authorizes the acquisition for the sum of \$115,000 for a portion of the property known as Block 5, Lot 1, commonly known as 300 Roseville Road, for a permanent easement consisting of approximately 0.16 acres which is depicted on an unofficial map entitled "Exhibit A" which is on file at the Township Clerk's office.

BE IT FURTHER RESOLVED that the Township is further authorized to provide for necessary closing costs including survey, legal, title work in an amount not to exceed \$7,000.

BE IT FURTHER RESOLVED that the period of usefulness is in excess of the five (5) year statutory requirement, and that no debt shall be incurred by the Township for this acquisition.

The total amount of \$122,000.00 is hereby appropriated in the following manner:

Capital Improvement Fund – General \$122,000.00

The Chief Financial Officer hereby certifies the aforementioned funds are available.

BE IT FURTHER RESOLVED that the Township is hereby authorized to take necessary steps to seek reimbursement of such costs in the acquisition of this critical land for this significant project not only for Andover Township but for Sussex County and the State of New Jersey.

NOTICE OF PENDING ORDINANCE

PUBLIC NOTICE is hereby given that the foregoing Ordinance was introduced and passed at first reading at a Regular Meeting of the Township Committee of the Township of Andover held on February 17, 2022. A public hearing regarding same will be held at a hybrid meeting scheduled for March 17, 2022, beginning at 7:00PM, to be held both in person and virtually via Zoom, which details for accessing the meeting are as follows:

Webinar ID: 832 6104 1515

Passcode: 100240

Join Zoom Meeting with browser:

<https://us02web.zoom.us/j/83261041515?pwd=dktJOGJRMWc5MjUxcE9UWWxadINRdz09>

or

Join Zoom Meeting by Phone:

+ 1 301 715 8592

All persons interested both for and against said ordinance shall be given an opportunity to be heard concerning same.

Patricia L. Bussow, RMC
Administrator/Municipal Clerk