

AN ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY COMMONLY DESCRIBED AS 1090 U.S. ROUTE 130 IN THE TOWNSHIP OF ROBBINSVILLE, DESIGNATED AS BLOCK 1, LOTS 57.01 AND 58.01 ON THE TAX MAP OF THE TOWNSHIP OF ROBBINSVILLE

WHEREAS, on March 2, 2018, the Township of Robbinsville filed a Condemnation action pursuant to the Eminent Domain Act, N.J.S.A. 20:3-1 et seq. (“Act”) in the Superior Court of New Jersey, Law Division, Mercer County against Mercer MHC, LLC d/b/a Mercer Mobile Home Park, entitled The Township of Robbinsville v. Mercer MHC, LLC d/b/a Mercer Mobile Home Park, Docket Number MER-L-459-18, to acquire property located in Robbinsville Township identified as Block 1, Lot 59.01 (“Property”), which consisted of a fourteen acre mobile home park; and

WHEREAS, the Property is located behind Block 1, Lots 57.01 and 58.01, which are commercial properties fronting U.S. Route 130, through which are located easements benefitting the Property; and

WHEREAS, on June 27, 2019, the trial court signed the order for possession vesting the Township with immediate and exclusive possession of Lot 59.01 on July 1, 2019, and upon such order, the Township, pursuant to the Act, filed a Declaration of Taking and deposited the appraisal amount of \$5,700,000.00 with the Court; and

WHEREAS, on December 6, 2019, pursuant to the Act, the Court Appointed Commissioners rendered their report awarding Mercer MHC, LLC d/b/a Mercer Mobile Home Park the amount of \$10,833,000.00 for the Property the Township has taken for public use; and

WHEREAS, subsequent to the Commissioners’ award, both parties requested a trial *de novo* in the Law Division pursuant to N.J.S.A. 20:3-13(a) and (b); and

WHEREAS, the parties to the litigation negotiated a Consent Order of Settlement (“Settlement Agreement”) by and through their respective counsel with payment to Mercer MHC, LLC d/b/a Mercer Mobile Home Park in the amount of \$12,650,000.00, of which \$1,850,000.00 has been allocated for the Township’s purchase and acquisition of Lots 57.01 and 58.01; and

WHEREAS, the Settlement Agreement was approved by the Council on February __, 2022, pursuant to Resolution 2022-__; and

WHEREAS, the acquisition of Lots 57.01 and 58.01 received prior approval pursuant to Ordinance 2017-26, which amended Ordinance 2017-17; and

WHEREAS, the Chief Financial Officer has certified that funding for this purchase is available in account numbers C-04-00-900-994-101 (\$1,800,000.00) and C-04-00-900-994-109 (\$50,000.00); and

WHEREAS, this land is being acquired for legitimate public purposes that being for settlement of the litigation entitled The Township of Robbinsville v. Mercer MHC, LLC d/b/a Mercer Mobile Home Park, Docket Number MER-L-459-18;

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Robbinsville, County of Mercer, State of New Jersey, as follows:

1. The acquisition of Block 1, Lots 57.01 and 58.01 on the Tax Map of the Township of Robbinsville, Mercer County, for the total purchase price of \$1,850,000.00, plus costs associated with the purchase, pursuant to the Settlement Agreement in the litigation entitled The Township of Robbinsville v. Mercer MHC, LLC d/b/a Mercer Mobile Home Park, Docket Number MER-L-459-18, is hereby approved, and the Mayor, Township Administrator, Township Clerk and Township Counsel, and other staff and professionals, are hereby authorized and directed to execute and file any and all such actions or documents and undertake any and all such further actions as may be necessary to effectuate closing, subject to the Township receiving good and marketable title.

2. This Property is being acquired for the legitimate public purposes that being for settlement of the litigation entitled The Township of Robbinsville v. Mercer MHC, LLC d/b/a Mercer Mobile Home Park, Docket Number MER-L-459-18.

3. All ordinances or part of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.

4. If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.

5. This Ordinance shall take effect after publication and passage according to law.

PASSED: February 24, 2022

ADOPTED: February 24, 2022

Michele Seigfried, Municipal Clerk

David Fried, Mayor