

**TOWNSHIP OF MILLBURN  
ORDINANCE NO. 2555-20  
AN ORDINANCE AUTHORIZING THE ACQUISITION BY PURCHASE OR  
CONDEMNATION OF AN EASEMENT INTEREST IN A PORTION OF THE REAL  
PROPERTY LOCATED AT 388 HOBART AVENUE, KNOWN AS BLOCK 3402, LOT 1**

***STATEMENT OF PURPOSE:** This ordinance is being proposed to authorize the acquisition of permanent easement on the corner of Hobart Avenue and Hobart Gap Road in order to enable certain signal and related infrastructure improvements to be made to the intersection, and to permit access for maintenance of certain existing roadway improvement.*

**WHEREAS**, in accordance with N.J.S.A. 40A:12-5(a)(1) “any municipality, by ordinance, may provide for the acquisition of any real property, capital improvement, or personal property: (1) by purchase, gift, devise, lease, exchange, or condemnation;” and

**WHEREAS**, there is a need to improve the intersection of Hobart Avenue and White Oak Ridge Road with the addition of a signal and related infrastructure; and

**WHEREAS**, through consultation with the Township’s engineering consultants, Simco Engineering, PC the Township has determined that certain signal improvements at the intersection of Hobart Avenue and White Oak Ridge Road would improve roadway safety the intersection; and

**WHEREAS**, Simco Engineering, PC has designed proposed signal and infrastructure improvements which improvements will require the Township to acquire a permanent easement over a portion of property located at 388 Hobart Avenue, also known as Block 3402, Lot 1, as identified in the attached parcel description by metes and bounds, in the Township of Millburn; and

**WHEREAS**, during the process of designing the infrastructure improvements, it was determined that there exist certain roadway improvements adjacent to the existing roadway, but not within an easement area which permits access to maintain such improvements; and

**WHEREAS**, based upon the goal of improving traffic safety at the intersection and maintaining existing roadway improvements, and in consultation with the Township’s consulting engineers, the Township has identified the property located at 388 Hobart Avenue as a necessary location on which to locate certain improvements related to the proposed signal and infrastructure improvements and to maintain existing roadway improvements; and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Committee:

1. The appraisal of the permanent easement located at 388 Hobart Avenue, (Block 3402, Lot 1) prepared by Integra Realty Resources on behalf of the Township is hereby accepted and approved in its entirety, including but not limited to the appraised value of \$3,000.00.
2. The Business Administrator and/or the firm of Maraziti, Falcon, LLP is authorized to submit a written offer for the purchase of the aforementioned easement and to negotiate its acquisition with the property owner on the basis of the aforementioned appraisal.

3. In the event that the Business Administrator and/or the firm of Maraziti, Falcon, LLP is unable to acquire the property interest through good faith negotiation, the firm of Maraziti Falcon, LLP is authorized to file an action in Superior Court to acquire the same through condemnation in accordance with the Eminent Domain Act of 1971, N.J.S.A. 20:3-1 et seq. and pursuant to N.J.S.A. 40A:12-5(a)(1).
  
4. This ordinance shall take effect after final passage and publication as provided by law.

Ordinance 2555-20

Introduced: 03/17/2020

Published: 03/26/2020

**CASEY & KELLER, INC.**

LAND SURVEYORS + CIVIL ENGINEERS + PLANNERS

N.J. STATE BOARD OF PROFESSIONAL ENGINEERS & LAND SURVEYORS  
CERTIFICATE OF AUTHORIZATION NO. 24GA27985400

258 MAIN STREET, MILLBURN, NEW JERSEY, 07041  
voice :973-379-3280 fax: 973-379-7993

**Schedule A**

**PERMANENT EASEMENT  
HOBART GAP ROAD & HOBART AVENUE**

Description of A Proposed Permanent Easement  
388 Hobart Avenue  
Tax Lot 1, Block 3402  
Township of Millburn, Essex County, New Jersey.

BEGINNING at point in the southerly side of Hobart Avenue, where the same is intersected by the westerly side of Hobart Gap Road, said point having a New Jersey State Plane Coordinate of N 690,405.86, E 535,887.64, said coordinates and the bearings that follow are based upon NAD 1983 survey datum;

- thence (1) along said side of Hobart Gap Road S 10 deg. 37 min. 13 sec. W 25.33 feet;
- thence (2) still along the same southwesterly on the arc of a curve, curving to the left with a radius of 112.37 feet for a distance of 131.83 feet;
- thence (3) N 54 deg. 21 min. 55 sec. E 60.49 feet;
- thence (4) N 27 deg. 48 min. 29 sec. E 81.91 feet;
- thence (5) N 79 deg. 22 min. 47 sec. W 1.11 feet;
- thence (6) N 34 deg. 36 min. 08 sec. E 5.21 feet to the southerly side of Hobart Avenue;
- thence (7) along said side of Hobart Avenue N 78 deg. 43 min. 13 sec. E 8.41 feet to the westerly side of Hobart Avenue and the point or place of BEGINNING.

The above described easement containing 1,343 square feet.

  
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Michael Lanzafama PE & PLS  
NJ Reg. # 30084