

ORDINANCE# 2025-14

ORDINANCE OF THE TOWNSHIP OF FLORENCE, COUNTY OF BURLINGTON, AND STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION OF CERTAIN PROPERTY LOCATED ON HORNBERGER AVENUE, FLORENCE, NJ, AND IDENTIFIED AS BLOCK 126.01, LOT 5 ON THE TAX MAPS OF THE TOWNSHIP OF FLORENCE, AND IF NECESSARY, BY THE INSTITUTION OF EMINENT DOMAIN PROCEEDINGS

WHEREAS, N.J.S.A. 40A:12-5 and N.J.S.A. 20:3-1 et seq. authorize public entities to acquire real property or an interest in real property by purchase, gift, devise, lease, exchange, condemnation, or installment purchase agreement; and

WHEREAS, the Township Council of the Township of Florence (the “Township”) has deemed it necessary to acquire certain property located on Hornberger Avenue and identified as Block 126.01, Lot 5 on the tax maps of the Township of Florence in the County of Burlington (hereinafter “Property”); and

WHEREAS, the Township’s Planner has opined that the Property would be suitable for the development of affordable housing in fulfillment of the Township’s obligations under the Fair Housing Act (N.J.S.A. 52:27D-301 et seq.), and in furtherance of the implementation of the Township’s Fourth Round Housing Element and Fair Share Plan; and

WHEREAS, the Township has engaged the owner of record in negotiations to purchase Property but has been unable to finalize a sale of said property; and

WHEREAS, the Township will continue to negotiate in good faith with the owner of record for the acquisition of Property; and

WHEREAS, the Township Council has determined that the public’s interest will be served by the acquisition of Property for development as affordable housing in furtherance of the Township’s Housing Element and Fair Share Plan; and

WHEREAS, the Township Council desires to formally authorize the acquisition of Property and the institution of eminent domain proceedings, if necessary, in order to acquire title to said property.

NOW THEREFORE, BE IT ORDAINED by the Township Council of the Township of Florence, in the County of Burlington, and State of New Jersey, as follows:

SECTION 1. The above recitals are incorporated into this section of the Ordinance as if specifically set forth at length herein.

SECTION 2. The Mayor and Township Council find that it is in the best interests of the Township to acquire for the development of affordable housing the property located on Hornberger Avenue and identified as Block 126.01, Lot 5 on the tax maps of the Township of Florence in the County of Burlington.

SECTION 3. The Mayor and Township Council specially authorize any and all necessary and appropriate actions by municipal officials including the Mayor, Municipal Clerk, the Municipal Attorney, Township Administrator and such other officials, consultants, agents, employees, experts and/or professionals as may be necessary and appropriate to acquire Property through negotiation, purchase and/or condemnation, if necessary, pursuant to N.J.S.A. 40A:12-5 and N.J.S.A. 20:3-1 et. seq., including the filing of a Declaration of Taking, the filing of a Condemnation Complaint, and all other proceedings related thereto.

SECTION 4. Any funding that may be required for this acquisition will be subject to the appropriation and availability of funds for same.

SECTION 5. In conjunction with said acquisition, the Township reserves any rights it may have had or may recover, in any subsequent or pending action or by any administrative means, all costs of remediation and/or clean-up of condemnation and/or removal of solid waste and/or sanitary landfill closures that have been incurred or may be incurred in the future by reason of conditions that were in existence as of or prior to the date of vesting of title and possession of Property in the name of the Township.

SECTION 6. In conjunction with said acquisition, the Township reserves and shall reserve the right to seek, in its sole discretion, any and all available legal, administrative, and equitable remedies to compel the record owners and/or responsible parties to remediate and/or clean up Property in accordance with applicable state and federal statutory and regulatory provisions or to remove solid waste or carry out closure of a sanitary landfill if located on Property. The Township is not and shall not be liable for the clean-up and removal costs of any discharge that occurred or began prior to the Township's ownership of Property.

SECTION 7. The Mayor, Township Council and such other officials, consultants, agents, employees, experts and professionals of the Township as may be necessary and appropriate are hereby authorized and directed to take any and all actions necessary to effectuate the purposes of this Ordinance.

SECTION 8. All Township ordinances or parts thereof that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency only.

SECTION 9. If any section, paragraph, subsection, clause, provision or phrase of this Ordinance is held to be unconstitutional or invalid for any reason, such adjudication shall apply only to the section, paragraph, subsection, clause, provision or phrase held to be unconstitutional or invalid, and the remainder of the Ordinance shall remain in full force and effect and shall be deemed valid and enforceable.

SECTION 10. This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

Joseph B. Frappolli
Council President

Nancy L. Erlston, RMC
Township Clerk

**NOTICE
FLORENCE TOWNSHIP**

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AND STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION OF CERTAIN
PROPERTY LOCATED ON HORNBERGER AVENUE, FLORENCE, NJ, AND
IDENTIFIED AS BLOCK 126.01, LOT 5 ON THE TAX MAPS OF THE TOWNSHIP
OF FLORENCE, AND IF NECESSARY, BY THE INSTITUTION OF EMINENT
DOMAIN PROCEEDINGS**

Take Notice that the Ordinance identified above authorizing the acquisition of certain property located on Hornberger Avenue, Florence, NJ and identified as Block 126.01, Lot 5 on the tax map of the Township of Florence, has been adopted on first reading by the Township Council of the Township of Florence, County of Burlington, State of New Jersey, at a meeting held on May 14, 2025. It will be considered for final passage after public hearing to be held on June 4, 2025 at 7:00 PM in the Municipal Complex, Council Chambers, 711 Broad Street, Florence, New Jersey.

Copies of the full Ordinance are on file with the Township Clerk of the Township of Florence in the Municipal Complex. The ordinance is posted on the township's website www.florence-nj.gov

Nancy L. Erlston, RMC
Township Clerk