

NOTICE IS HEREBY GIVEN that the following Ordinance #2006-5 was introduced at a meeting of the Mayor and Common Council of the Borough of High Bridge, Hunterdon County, New Jersey on February 23, 2006 and passed on first reading, and the same was then ordered to be published according to law in the Hunterdon County Democrat; and such Ordinance shall be further considered for final passage at the meeting of the Mayor and Common Council to be on _____, 2006 at the High Bridge Borough Hall, 71 Main Street; High Bridge, at 7:30 pm. Persons interested will be given an opportunity to be heard concerning this Ordinance, Copies of said Ordinance will be made available at the Clerk's Office to the members of the general public who shall request the same and is available on the High Bridge web site www.highbridge.org.

**BOROUGH OF HIGH BRIDGE
COUNTY OF HUNTERDON
STATE OF NEW JERSEY
ORDINANCE #2006-5**

WHEREAS, the Borough of High Bridge governing body is deeply committed to the preservation of its natural resources and the character of the community of High Bridge; and

WHEREAS, the governing body and residents of the Borough have committed to and underwritten the preservation of open space areas within the Borough for present and future generations, including, among other properties, the Springside Farms, the Uhlig Farm which was converted into a municipal golf course for active recreation, the Komline Sanderson Property as an extension of the Borough recreation area and potential future site of a community center, and the Fischell Farm maintained by the New Jersey Fish and Game Commission; and

WHEREAS, such efforts have been funded through the New Jersey Green Acres Program, Hunterdon County Open Space Tax Program, Borough of High Bridge open space funds and an alternate tax imposed through the golf course, all for the purposes of preserving open space and creating a "greenway" within the municipality; and

WHEREAS, the Borough of High Bridge is an active participant in the Council on Affordable Housing process and is working toward its goals to provide for low and moderate income housing to satisfy its Round 1 and Round 2 Fair Share obligations, as well as its Round 3 Growth Share requirements; and

WHEREAS, there exists additional lands within the municipality, namely Block 31, Lot 14.02; Block 30.02, Lot 2; and Block 29.04, Lot 2 which are environmentally sensitive areas, located adjacent to and with drainage flowing directly into the South Branch of the Raritan River, are constrained by steep slopes, power line easements, mature vegetation, wetlands, and the abutting, active Conrail commuter Railroad right-of-way, and are missing pieces in a continuous "greenway" traversing the Borough, and a portion of the said lands have historically and continue to be used for active recreation as little league baseball fields; and

WHEREAS, the governing body of the Borough of High Bridge has determined the acquisition of these lands are beneficial to the Borough of High Bridge for many public purposes, including but not limited to the preservation of environmentally sensitive lands, the continuation of the existing "greenway" within the Borough, utilization as both active and passive open space, continuation of active recreational use, and utilization of a small portion of buildable land upon which the Borough can undertake the construction of low and moderate income housing to satisfy its fair share and present and future growth share low and moderate income housing obligations, without the necessity of the construction of numerous additional market-rate homes to which a developer might be entitled; and

WHEREAS, the Borough of High Bridge is authorized to acquire property for public use pursuant to the Local Lands and Buildings Law, *N.J.S.A. 40A:12-1 et. seq.*, and the Eminent Domain Act, *N.J.S.A. 20:3-1 et. seq.*

NOW THEREFORE, BE IT ORDAINED by the President and Council, with the approval of the Mayor, of the Borough of High Bridge, for the benefit of the public good and for public purposes as follows:

Section I.

1. Block 31, Lot 14.02; Block 30.02, Lot 2; and Block 29.04, Lot 2 as depicted on the Tax Map of the Borough of High Bridge, in the County of Hunterdon, New Jersey, are needed for public purposes and use, including but not limited to the preservation of environmentally sensitive lands, the continuation of the existing “greenway” within the Borough, utilization as both active and passive open space, continuation of active recreational uses on the land, and utilization of a small portion of buildable land upon which the Borough can undertake the construction of low and moderate income housing to satisfy its fair share and growth share obligations, as well as other public needs and purposes.
2. Municipal officials of the Borough of High Bridge, their agents and / or consultants, including Attorneys, Appraisers, Engineers, Surveyors, etc. are hereby authorized to seek to acquire title to the aforesaid properties by negotiations and agreements with the owners thereof in accordance with the Local Lands and Buildings Laws.
3. Such municipal officials, agents and consultants are authorized to evaluate and appraise such properties, and the owner thereof shall be given an opportunity to accompany the appraisers during such inspections of the properties.
4. In the event that the Borough is unable to acquire title or possession through bona fide negotiations and purchase agreements with the owners of the property, then and in that event, the said municipal officials, agents and consultants are hereby authorized and directed to institute any and all legal actions and proceedings under the Eminent Domain Act to acquire title to Block 31, Lot 14.02; Block 30.02, Lot 2; and Block 29.04, Lot 2 as depicted on the Tax Map of the Borough of High Bridge, in the County of Hunterdon, New Jersey for public purposes and use by the Borough of High Bridge.

Section II. Severability.

If the provision of any article, section, subsection, paragraph, subdivision or clause of this Chapter shall be judged invalid by any Court of competent jurisdiction, such Order or Judgment shall not effect or invalidate the remainder of any such article, section, subsection, paragraph or clause, and to this end the provisions of this Ordinance are hereby declared to be severable.

Section III. Effective Date.

This Ordinance shall take effect immediately upon final passage and publication according to law.

ATTEST:

HIGH BRIDGE
BOROUGH COUNCIL

William Barnum Wahl, RMC
Borough Clerk

Lynn Hughes, President

Vote after public hearing and upon final adoption:

Hughes _____

Batch _____

Hann _____

Montaperto _____

Pritchett _____

Walker _____

Ordinance approved by the Governing Body and presented to the Mayor on _____, 06.

Veto in Whole or Part:

Approved:

Dr. Alfred W. Schweikert, III, Mayor
Date:

Dr. Alfred W. Schweikert, III, Mayor
Date:

Returned to Borough Clerk with statement attached on _____, 06