

ORDINANCE NO. 2023- 44

ORDINANCE AUTHORIZING THE ACQUISITION OF EASEMENTS NECESSARY TO REESTABLISH THE STORM WATER FLOW ACROSS/UNDER PROPERTIES TO THE SOUTH OF 141 SHERIDAN AVENUE, TO A CULVERT UNDER BURNS AVENUE AND AN UN-CODED TRIBUTARY FURTHER TO THE SOUTH.

WHEREAS, rainwater runoff from properties north of Burns Avenue previously drained through a culvert under the former Conrail siding known as the Clayville Switch, located between Sheridan Avenue and Burns Avenue, across properties south of the Clayville Switch to a culvert under Burns Avenue, and eventually to a un-coded tributary to the south of Burns Avenue;

WHEREAS, the drainage system has ceased to function resulting in the rainwater runoff from properties to the north accumulating in a drainage basin located on 141 Sheridan Avenue;

WHEREAS, the failure of the drainage system to function and the resulting accumulation of rainwater runoff from properties to the north in the drainage basin located on 141 Sheridan Avenue causes a substantial risk of flooding, and is otherwise unhealthy, dangerous, and detrimental to the health and welfare of the general public and the public good;

WHEREAS, re-establishment of the drainage system is desirable and necessary for the protection of the public safety; and will promote the safety and welfare of the general public;

WHEREAS, City Council finds it to be in the best interests of the City of Vineland to acquire drainage easements across Block 7110, Lot 38, Lot 39, and Lot 40 by way purchase and/or condemnation;

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Vineland that the Solicitor of the City of Vineland, or his designee, is authorized to take any and all action that is reasonable or necessary, including by way of purchase and eminent domain, to acquire permanent exclusive easements, over, under, upon and across Block 7110, Lot 38, Lot 39, and Lot 40 for the purpose of constructing, maintaining, operating, modifying, inspecting and continued operation of a drainage system allowing rainwater runoff from properties to the north to drain to the culvert under Burns Avenue and eventually to the un-coded tributary to the south of Burns Avenue, including the free right to enter and depart over and across the area of the easements.

BE IT FURTHER ORDAINED that the acquisition of the easements described above are for a public purpose.

BE IT FURTHER ORDAINED that the City of Vineland is authorized acquire the easements and/or fee interest for just compensation as determined by an appraisal conducted on behalf of the City of such other price as established by the Commissioners appointed by a Court of competent jurisdiction.

This Ordinance shall take effect upon adoption and publication according to law.

Passed first reading:

Passed final reading:

Approved by the Mayor:

President of Council

Mayor

ATTEST:

City Clerk