

Ordinance

No. 2-2026

ORDINANCE OF THE BOROUGH COUNCIL OF THE BOROUGH OF WESTVILLE, COUNTY OF GLOUCESTER, AUTHORIZING THE ACQUISITION OF PROPERTY IDENTIFIED ON THE TAX MAPS OF THE BOROUGH OF WESTVILLE BY NEGOTIATIONS OR THE USE OF EMINENT DOMAIN

WHEREAS, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “LRHL”) the Mayor and Council of the Borough (the “Borough Council”) designated Block 12, Lot 1; Block 13, Lots 1 & 2; Block 13.01, Lot 1; Block 13.02, Lot 1; Block 14, Lots 1, 2, & 3; Block 17, Lot 1; Block 18, Lots 1 & 3-8, inclusive; Block 21, Lots 1-5 inclusive; Block 24, Lots 1-5 inclusive; Block 28, Lot 1; Block 30, Lots 1-5 inclusive; Block 31, Lots 1, 2, 3, 3.01, 11 & 13-25 inclusive; Block 33, Lots 1-5 inclusive, 5.01, & 6-25 inclusive; Block 33.01, Lot 1; Block 34, Lots 1-5 inclusive, 30-33 inclusive, and 35-43 inclusive; Block 47, Lots 42 & 44-49 inclusive; Block 48, Lots 1-10 inclusive, 10.01 & 11-18 inclusive; Block 50, Lots 1-6 inclusive; and Block 51, Lots 1-4 inclusive & 11, within the Borough as an area in need of redevelopment (the “Redevelopment Area”) by way of Resolution #133-01, adopted on November 28, 2001; and

WHEREAS, on December 12, 2001, the Borough Council adopted Ordinance #8-01, which adopted a redevelopment plan for the Redevelopment Area entitled the “Redevelopment Area Study and Redevelopment Plan for the Downtown Preservation District Borough of Westville in the County of Gloucester New Jersey,” dated October 2001 (the “Redevelopment Plan”); and

WHEREAS, on July 26, 2023, the Borough Council adopted Ordinance #9-2023, which amended the Redevelopment Plan to authorize the acquisition of five (5) parcels in furtherance of the Borough’s redevelopment efforts, including Block 34, Lot 39 (“2023 Amendment”); and

WHEREAS, among the tools recommended for utilization within said Redevelopment Plan, was the acquisition of property; and

WHEREAS, the Borough Council has determined to acquire the Property identified as Block 34, Lot 39 (the “Property”), by eminent domain, if necessary, following good faith negotiations with the owner; and

WHEREAS, N.J.S.A. 40A:12-4 further provides a municipality may acquire real property or any interest therein, including easements; and

WHEREAS, N.J.S.A. 40A:12-5(a) (1) permits municipalities by Ordinance to acquire real property by traditional arms-length transaction acquisition or via condemnation; and

WHEREAS, the Borough believes that continued control and involvement by the owner of the Property will only frustrate efforts to redevelop the site and that, therefore, the time has arrived for the Borough to exercise the authority vested in it under both the Eminent Domain Act of 1971, N.J.S.A. 20:3-1, et seq., and the New Jersey Housing and Redevelopment Law, N.J.S.A. 40A:12A-1, et seq.; and

Ordinance

No. 2-2026

Page 2

WHEREAS, the Borough believes that it is now in the best interests of the residents and taxpayers of the Borough of Westville to move forward with the acquisition of the Property to ensure that it is redeveloped in a fashion consistent with the Redevelopment Plan and Market Analysis and Economic Development Strategy of the Borough of Westville ("Economic Report"), and for the betterment of the community;

WHEREAS, on October 28, 2024, the Borough Council adopted Resolution 137-2024 authorizing the acquisition of the Property via negotiation or eminent domain; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Borough of Westville, County of Gloucester, and State of New Jersey, as follows:

1. The recitals of this Resolution above are hereby adopted by reference as part of the factual predicate for this Resolution.
2. The acquisition of the Property is necessary in order to fulfil the purposes of the Redevelopment Plan and the Economic Report because the Property is vacant or underutilized and can be put to economically viable use including retail and services use including food, restaurants, liquor or medical or health service uses. The Borough intends to acquire such Property to allow it to be redeveloped and put to such use.
3. The land and all remaining improvements in Borough of Westville, County of Gloucester, State of New Jersey identified as Block 34, Lot 39 on the Tax Map of the Borough of Westville, commonly known as 185 Broadway, is hereby authorized to be acquired in fee simple by regular land sale or via eminent domain if necessary. Said acquisition is to be undertaken for the purposes set forth herein.
4. The Borough and its Special Counsel and Solicitor are hereby authorized to enter into good faith negotiations for the acquisition of the Property owners to attempt to acquire the Property.
5. In the event good faith negotiations are unsuccessful, the Borough Special Counsel or Solicitor are authorized to initiate proceedings under the Eminent Domain Act of 1971, N.J.S.A. 20:3-1 et seq., and the New Jersey Housing and Redevelopment Law, N.J.S.A. 40A:12A-1 et seq., to condemn said property to facilitate the redevelopment of same.
6. The Borough is authorized to acquire the property through negotiations for an acquisition price of up to \$125,000.00.
7. The Borough and its Special Counsel and Solicitor are hereby authorized to obtain a title report for the Property.

Ordinance

No. 2-2026

Page 3

8. The Mayor, Clerk and Counsel are hereby authorized and directed to execute any and all documents to accomplish acquisition of the Property.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon final passage and publication as required by law.

Introduced: January 26, 2026

Adopted: February 23, 2026

BOROUGH OF WESTVILLE

Fritz H. Sims, Jr.
MAYOR

ATTEST:

Kathleen Carroll
DEPUTY MUNICIPAL CLERK

Certification

I certify the foregoing Ordinance #2-2026 was presented and duly adopted by the Governing Body at a meeting of the Borough of Westville, County of Gloucester, State of New Jersey held on Monday, February 23, 2026.

Kathleen Carroll
Deputy Municipal Clerk

