

Resolution

No. 128-2026

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF WESTVILLE, COUNTY OF GLOUCESTER, AUTHORIZING THE BOROUGH TO PAY \$43,000.00 OR SUCH OTHER SUM AS DIRECTED BY THE COURT WITH A DECLARATION OF TAKING TO ACQUIRE 185 BROADWAY

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 commonly known as 185 Broadway (the “Property”); and

WHEREAS, the Borough Council has determined to acquire the Property eminent domain, if necessary, following good faith negotiations with the owner; and

WHEREAS, on February 23, 2026, the Borough adopted Ordinance #2-2026 authorizing the acquisition of the Property by eminent domain following good faith negotiations; and

WHEREAS, the Borough was unable to acquire the Property through negotiations and filed a Condemnation action with the Superior Court of New Jersey under Docket No. GLO-L-332-26 on March 11, 2026 to acquire the Property; and

WHEREAS, following an Order to Show Cause hearing held August 20, 2026, the Court found that the Borough has duly exercised its power of eminent domain pursuant to N.J.S.A. 40A:12A-8 and N.J.S.A. 20:3-18 to acquire the Property; and

WHEREAS, by Order dated August 28, 2026, the Court appointed three (3) condemnation commissioners to fix the compensation to be paid for the Property; and

WHEREAS, the Borough authorized an appraisal for the subject Property, which was completed on July 17, 2024 by Errett L. Vielehr, MAI of Robert M. Sapio Real Estate Appraisal and Consulting, LLC which appraisal set forth a market value for the Property of \$43,000.00; and

WHEREAS, pursuant to N.J.S.A. 20:3-8, upon filing of a Declaration of Taking the municipality shall deposit with the Clerk of the Superior Court the amount of estimated compensation stated in the appraisal; and

WHEREAS, an Order to authorize a Declaration of Taking and to pay the sum of \$43,000.00 into Court and provide possession of the Property to the Borough was submitted to the Court for approval and is expected to be entered; and

WHEREAS, upon the recording of the Declaration of Taking and the deposit of the estimated just compensation into Court, title to the Property will vest in the Borough; and

WHEREAS, the Borough has determined that it is in the best interests of the Borough and its residents to acquire the Property as soon as possible.

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

1. The Borough shall file and record a Declaration of Taking of the Property with the Gloucester County Clerk.

2. The Borough shall pay the sum of \$43,000.00 or such other sum as determined by the Court with the Clerk of the Superior Court as required by the Eminent Domain Act.
3. The Mayor, Clerk, and Special Redevelopment Counsel are hereby authorized to execute any and all documents that may be required to obtain title and possession of the Property.

BE IT FURTHER RESOLVED that this Resolution shall become effective immediately upon its proceedings.

ADOPTED and PASSED by the Governing Body of the Borough of Westville, County of Gloucester, State of New Jersey at a meeting held on Monday, September 28, 2026.

BOROUGH OF WESTVILLE

**Fritz H. Sims, Jr.
MAYOR**

ATTEST:

**Sydney Packer
DEPUTY MUNICIPAL CLERK**

Certification

I certify the foregoing Resolution No. 128-2026 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, September 28, 2026.

Sydney Packer
Deputy Municipal Clerk