

R-105-25

**RESOLUTION AUTHORIZING PRELIMINARY STUDIES AND RELATED EXPENSES, AND GOOD FAITH NEGOTIATIONS, IN ADVANCE OF CONDEMNATION PROCEEDINGS TO ACQUIRE CERTAIN REAL PROPERTY IDENTIFIED AS BLOCK 1606, LOT 3 AND LOCATED AT 52 SOUTH MAIN STREET**

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; and

WHEREAS, the Mayor and Council of the Borough of Wharton (the “Borough”) finds and declares that it is in the best interest of the Borough and its residents for the Borough to utilize its powers of eminent domain and condemn certain property identified as Block 1606, Lot 3 on the official Tax Map of the Borough of Wharton and located at 52 South Main Street (the “Property”); and

WHEREAS, in advance of the anticipated eminent domain proceedings, the Borough wishes to authorize any needed preliminary studies, surveys, tests, soundings, borings, and appraisals, as authorized by N.J.S.A. 20:3-16, including, but not limited to, identifying the parameters of land to be obtained via eminent domain, obtaining a survey of the same, and authorizing an appraisal of the same; and

WHEREAS, by Resolutions R-78-25 and R-105-25, the Borough has retained Inglesino Taylor and BBG, Inc., which possess the requisite licenses, experience and expertise in their respective fields to complete the preliminary studies and to advise the Borough in the eminent domain proceedings; and

WHEREAS, upon completion of the preliminary studies, the Mayor and Council desire to engage with the owner of the Property in good faith negotiations to purchase the Property in lieu of condemnation; and

WHEREAS, should good faith negotiations fail to secure title to the Property in the name of the Borough, the Mayor and Council will authorize the law firm of Inglesino Taylor, as condemnation counsel to the Borough, to file in the Superior Court of New Jersey an action for condemnation, along with such declarations of takings, verified complaints, orders to show cause, notices of lis pendens, and all

**other papers, pleadings and process necessary to commence the condemnation action as to the Property.**

**NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Borough of Wharton as follows, that:**

- 1. Any needed preliminary studies, surveys, tests, soundings, borings, and appraisals, as authorized by N.J.S.A. 20:3-16 regarding the condemnation of the Property, including, but not limited to, identifying the parameters of land to be obtained via eminent domain, obtaining a survey of the same, obtaining an environmental assessment of the same, and authorizing an appraisal of the same in furtherance of the taking of the Properties by eminent domain be and hereby are authorized; and**
- 2. Upon completion of the preliminary studies, Borough condemnation counsel be and hereby is authorized to engage with the owner of the Property in good faith negotiations for purposes of securing title to the Property in the Township's name in lieu of condemnation; and**
- 3. Should good faith negotiations fail to secure title to the Property in the name of the Borough, the Borough's condemnation counsel be and hereby is authorized to file in the Superior Court of New Jersey an action for condemnation, along with such declarations of takings, verified complaints, orders to show cause, notices of lis pendens, and all other papers, pleadings and process necessary to commence the condemnation action as to the Property.**

**Adopted: June 16, 2025**

**BOROUGH OF WHARTON**

**ATTEST:**

\_\_\_\_\_  
**Cheryl Muzzillo,  
Deputy Borough Clerk**

\_\_\_\_\_  
**WILLIAM J. CHEGWIDDEN  
MAYOR**