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FILED
AUG 08 2018
SUPERIOR COURT OF NJ
MERCER VICINAGE
CIVIL DIVISION

TOWNSHIP OF ROBBINSVILLE,	:	SUPERIOR COURT OF NEW JERSEY
	:	LAW DIVISION
Plaintiff,	:	MERCER COUNTY
v.	:	
	:	DOCKET NO.: MER-L-0459-18
MERCER MHC, LLC d/b/a MERCER MOBILE HOME PARK, ET AL.,	:	CIVIL ACTION
	:	
Defendants.	:	ORDER DENYING MOTION FOR RECONSIDERATION, DENYING MOTION FOR STAY PENDING APPEAL, REQUIRING FURTHER AMENDMENT TO PLEADINGS AND FOR TEMPORARY STAY
	:	

THIS MATTER having come before the Court on the Motion of Defendant, Mercer MHC, LLC d/b/a Mercer Mobile Home Park ("Mercer") on a Motion for Reconsideration of the Court's Order of May 29, 2018, Denying Mercer's Motion to Dismiss, and the Court's Order for Judgment and Appointing Commissioners, and in the alternative, for a stay of further proceedings pending appeal; and by further Order of the Court entered on July 9, 2018, requiring supplemental briefing from the parties relating to the proposed Declaration of Taking submitted to the Court by the Township of Robbinsville ("Township"), and with regard to the application for a stay by Mercer; and the Court having heard the arguments of counsel for Mercer and the Township as to the foregoing issues on August 2, 2018; and for good cause shown;

IT IS on this 8th day of August, 2018, **ORDERED** as follows:

1. That Mercer's Motion for Reconsideration is hereby DENIED; and
2. That Mercer's Motion for a Stay Pending Appeal is hereby DENIED; and

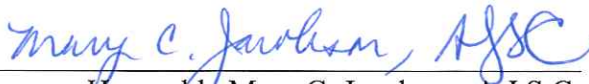
3. That the Township shall file and serve upon Mercer a Second Amended Complaint by August 10, 2018, precisely describing the nature and scope of the real property interests that are subject to being taken by the Township from Mercer through this eminent domain action, relating to Block 1, Lot 59.01 in the Township of Robbinsville, Mercer County (“Property”) and any specific easements appurtenant thereto that may also be the subject of the taking, in conformance with and consistent with the Court’s decision rendered from the bench on August 2, 2018; and
4. That the Township shall file with the Court and concurrently serve upon Mercer a proposed Amended Declaration of Taking, precisely describing the nature and scope of the real property interests that are subject to being taken by the Township from Mercer through this eminent domain action, in conformance with N.J.S.A. 20:3-17 and the Court’s decision rendered from the bench on August 2, 2018, to be consistent with the Second Amended Complaint; and
5. Notwithstanding these Ordered clarifications of the description of the Property and Easements, all previous orders and decisions by the Court that the Township has authority to condemn the property shall remain in effect nunc pro tunc to wit: the Order for Judgment and Appointing Commissioners filed May 29, 2018 along with the reasoning placed on the record on May 25, 2018; the Order Denying Defendant MHC LLC’s Motion to Dismiss and Granting Robbinsville’s Motion to Amend the Complaint filed May 29, 2018 along with the reasoning placed on the record on May 25, 2018; and the decisions and reasoning stated on the record on July 6, 2018 and August 2, 2018; and
6. That Mercer shall have until August 20, 2018, to file and serve an Answer and Counterclaim, with leave of court, responsive to the Second Amended Complaint,

which Counterclaim shall be limited to a claim for damages relating to the taking of any easements affecting Block 1, Lots 58.01 and 57.01 in the Township of Robbinsville, Mercer County; and

- 7. Upon entry of this Order Mercer may file an emergent motion for a stay with the Appellate Division. In the event that Mercer fails to file an emergent motion within 14 days of this Order, this Court shall sign the Amended Declaration of Taking; and
- 8. In the event that Mercer files an emergent motion for a stay with the Appellate Division, the Township's authority to file the Amended Declaration of Taking is hereby stayed until a final determination of the emergent motion for a stay is made; and
- 9. That the Amended Declaration of Taking and proposed Order for Payment of Funds into Court and for Possession will be entered after all of the above-referenced amended pleadings are filed and served, subject only to the Court's review and approval of same. If the Appellate Division does not grant a stay in response to the application of Mercer, then Township may then proceed to deposit funds into Court and take possession of the Property in accordance with N.J.S.A. 20:3-17 through N.J.S.A. 20:3-19 after the Answer to the Second Amended Complaint is filed and after the Appellate Division rules on Mercer's application for a stay.

IT IS FURTHER ORDERED that a copy of this Order shall be served upon all counsel of record within 7 days of the date of this Order, by counsel for Mercer.

SO ORDERED.



 Honorable Mary C. Jacobson, A.J.S.C.

X Opposed
 {HL829422.1} *as to motions consent as to form of order*