

ORDINANCE NO. 8-2012

AN ORDINANCE AUTHORIZING THE ACQUISITION OF THE FEE SIMPLE INTEREST IN REAL PROPERTY OWNED BY THE STATE OF NEW JERSEY, DEPARTMENT OF TRANSPORTATION KNOWN AS: BLOCK 112, LOT 1 AND BLOCK 113, LOTS 29.08, 36, 37, 38, 39, 40, 41, AND 42 ON THE TAX MAP OF THE BOROUGH MORRIS PLAINS AND ALSO KNOWN AND DESIGNATED AS A PORTION OF ROUTE 178 FREEWAY, SECTION 1, PARCELS 29, VX32A, VX33, VX 35, VX36, VX37, VX38, VX39, AND VX42 SHOWN ON A MAP ENTITLED "NEW JERSEY DEPARTMENT OF TRANSPORTATION, GENERAL PROPERTY PARCEL MAP, ROUTE 178 FREEWAY, SECTION 1, FROM ROUTE 24 FREEWAY TO ROUTES 10 & 53 INTERCHANGE" AND FURTHER AUTHORIZING THE ACQUISITION OF A LEASEHOLD INTEREST IN REAL PROPERTY OWNED BY THE STATE OF NEW JERSEY, DEPARTMENT OF TRANSPORTATION KNOWN AS BLOCK 101.01, LOT 1 AND BLOCK 111, LOT 1 ON THE TAX MAP OF THE BOROUGH MORRIS PLAINS AND ALSO KNOWN AND DESIGNATED AS A PORTION OF ROUTE 178 FREEWAY, SECTION 1, PARCEL X46 AS SHOWN ON A MAP ENTITLED "NEW JERSEY DEPARTMENT OF TRANSPORTATION, GENERAL PROPERTY PARCEL MAP, ROUTE 178 FREEWAY, SECTION 1, FROM ROUTE 24 FREEWAY TO ROUTES 10 & 53 INTERCHANGE" AND PARCEL VX67A3 AS SHOWN ON A MAP ENTITLED "NEW JERSEY DEPARTMENT OF TRANSPORTATION, GENERAL PROPERTY PARCEL MAP, ROUTE 10 (1953) SECTION 3, TABOR ROAD TO TROY HILLS ROAD, WHIPPANY."

WHEREAS, pursuant to N.J.S.A. 40A:12-4 and 12-5, the Borough Council of the Borough of Morris Plains has determined that it is in the best interests of the Borough to purchase the fee simple interest in lands owned by the State of New Jersey Department of Transportation ("NJDOT") and located in the Borough of Morris Plains for the purchase price of \$274,200.00; and

WHEREAS, the State of New Jersey, Department of Transportation has agreed to convey the fee simple interest in said lands to the Borough of Morris Plains at the stated price of \$274,200.00; and

WHEREAS, the Chief Financial Administrator of the Borough of Morris Plains has determined that there are sufficient funds available to acquire said interests in the aforesaid lands; and

WHEREAS, NJDOT is also the owner of Block 101.01, Lot 1 and Block 111, Lot 1 on the Tax Map of the Borough of Morris Plains ("Property"); and

WHEREAS, NJDOT is willing to grant to the Borough of Morris Plains, a

leasehold interest in said lands for open space and other public purposes;
and

WHEREAS, pursuant to N.J.S.A. 40A:12-4 and 12-5, the Borough Council of the Borough of Morris Plains has determined that it is also in the best interests of the Borough to acquire the leasehold interest in said lands owned by NJDOT.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Morris Plains, Morris County, New Jersey, they being the governing body thereof, as follows:

Section 1:

The acquisition of the fee simple interest in certain real property known and designated as and known as Block 112, Lot 1 and Block 113, Lots 29.08, 36, 37, 38, 39, 40, 41, and 42 on the Tax Maps of the Borough of Morris Plains from the State of New Jersey, Department of Transportation at the purchase price of \$274,200.00 is hereby authorized and approved. This acquisition is subject to the reservation by NJDOT of an easement on, over, across and in a portion of Block 113, Lot 36 for the purpose of maintaining an existing NJDOT detention basin facility on the property.

The land to be acquired consists of the fee simple interest in approximately ± 10.633 acres of land, more or less, as is more fully described in Schedule A annexed hereto and depicted as the cross-hatched area shown on the tax map attached hereto as Exhibit 1, subject to the reservation by NJDOT of an easement over a portion of Block 113, Lot 36 for the purpose of maintaining an existing NJDOT detention basin facility on the property.

Section 2:

The acquisition of the leasehold interest in certain real property known and designated as and known as Block 101.01, Lot 1 and Block 111, Lot 1 on the Tax Maps of the Borough of Morris Plains from the State of New Jersey, Department of Transportation at the lease price of \$1.00 per month is hereby

authorized and approved.

The interest to be acquired consists of a leasehold interest in approximately ± 2.859 acres of land, more or less, as is more fully described in Schedule B annexed hereto and depicted as the cross-hatched area shown on the tax maps attached hereto as Exhibit 2A and 2B.

Section 3:

The appropriate Borough officials are hereby authorized to enter into the appropriate contract of sale and lease agreement with the NJDOT regarding said lands in the form(s) approved by the Borough Attorney, and to take all necessary and proper steps to effectuate and finalize the acquisitions.

Section 4:

This Ordinance shall take effect immediately after final passage and publication in accordance with law.

Introduced: 04/19/12
Adopted: 05/03/12

/s/Frank J. Druetzler, Mayor

SCHEDULE A

Lands located in the Borough of Morris Plains, Morris County, New Jersey and known and designated as Block 112, Lot 1, Block 113, Lots 29.08, 36, 37, 38, 39, 40, 41, and 42 on the Tax Maps of the Borough of Morris Plains, Morris County, New Jersey, and as more particularly described as a portion of Route 178 Freeway, Section 1, namely, Parcels 29, VX32A, VX33, VX35, VX36, VX37, VX38, VX39, and VX42 as shown on a map entitled "New Jersey Department of Transportation, General Property Parcel Map, Route 178 Freeway, Section 1, From Route 24 Freeway to Routes 10 & 53 Interchange."

SCHEDULE B

Lands located in the Borough of Morris Plains, Morris County, New Jersey and known and designated as Block 101.01, Lot 1 and Block 111, Lot 1 on the Tax Maps of the Borough of Morris Plains, Morris County, New Jersey, and as more particularly described as a portion of Route 178 Freeway, Section 1, namely, Parcel X46 as shown on a map entitled "New Jersey Department of Transportation, General Property Parcel Map, Route 178 Freeway, Section 1, From Route 24 Freeway to Routes 10 & 53 Interchange" and Parcel VX67A3 as shown on a map entitled "New Jersey Department of Transportation, General Property Parcel Map, Route 10 (1953) Section 3, Tabor Road to Troy Hills Road, Whippany."