

ORDINANCE NO. 13-2016

AN ORDINANCE AUTHORIZING A RESTRICTIVE COVENANT FOR PERPETUAL MAINTENANCE OF STORMWATER MANAGEMENT FACILITIES ON PROPERTY AT 260 TABOR ROAD, KNOWN AND DESIGNATED AS LOT 3.02, IN BLOCK 101 AND 263 TABOR ROAD, KNOWN AND DESIGNATED AS LOT 36 IN BLOCK 113, LOCATED IN THE BOROUGH OF MORRIS PLAINS.

WHEREAS, the stormwater management facilities serving Davenport Village, the affordable housing located on Borough-owned property at 260 Tabor Road, Morris Plains, known and designated as Lot 3.02 in Block 101 on the Tax Map of the Borough of Morris Plains include a stormwater conveyance system on the Borough-owned property at 260 Tabor Road, as well as the expanded existing detention/infiltration basin located on property at 263 Tabor Road, Morris Plains, known and designated as Lot 36 in Block 113; and

WHEREAS, the Borough is desirous of recording a Restrictive Covenant to ensure the perpetual maintenance of the stormwater management facilities serving Davenport Village, located on Borough owned property at 260 Tabor Road, Morris Plains.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Morris Plains, they being the Governing Body thereof, as follows:

Section 1:

That the affordable housing use of the Property located at 260 Tabor Road, known and designated as Lot 3.02 in Block 101 in the Borough of Morris Plains, Morris County, New Jersey, shall be subject to the terms and conditions of a Restrictive Covenant for Operation and Maintenance of Stormwater Management Facilities located on property at 260 Tabor Road, Morris Plains, known and designated as Lot 3.02 in Block 101 and the expanded existing detention/infiltration basin located on property at 263 Tabor Road, Morris Plains, known and designated as Lot 36 in Block 113 as set forth in a Stormwater Management System Operation and Maintenance

Manual for Davenport Village, prepared by Goldenbaum Baill Engineering, Inc., dated October 13, 2016.

Section 2:

The Mayor and Clerk are hereby authorized and directed to execute the Restrictive Covenant, which shall be recorded in the Morris County Clerk's Office, as well as the execution of any other documents necessary to effectuate the purpose of this Ordinance.

Section 3:

If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid by Court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this Ordinances.

Section 4:

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

Introduced: October 20, 2016

Adopted: November 10, 2016

/s/ Frank J. Druetzler