

ORDINANCE NO. 16-2016

AN ORDINANCE ACCEPTING A DEED OF DEDICATION TO THE BOROUGH OF MORRIS PLAINS FOR ROADWAY PURPOSES ON BLOCK 185, LOT 3.01 IN THE BOROUGH OF MORRIS PLAINS.

WHEREAS, Francesca Ecker (the “Grantor”), owner of Block 185, Lot 3.01 (the “Property”), received minor subdivision and variance approval from the Morris Plains Planning Board in PB-04-13; and

WHEREAS, the Grantor’s subdivision and variance approval requires the conveyance of a deed of dedication to the Borough for roadway purposes;

WHEREAS, the Grantor is now desirous of dedicating and conveying to the Borough of Morris Plains (the “Grantee”) a portion of lands known and designated as Lot 3.01 in Block 185 for roadway purposes; and

WHEREAS, the Borough Council of the Borough of Morris Plains is desirous of accepting the said dedication of lands for roadway purposes.

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 conveyance to the Borough of Morris Plains in a portion of lands known and designated as Block 185, Lot 3.01 in the Borough of Morris Plains, Morris County, New Jersey, as described in Schedule A annexed hereto and made a part hereof, be and the same is hereby accepted as dedicated and conveyed, subject to the terms and conditions as set forth in a Deed of Dedication For Roadway Purposes from the Grantor, including the following special conditions:

1. Grantor hereby gives, grants and conveys, for the use of the general public, in perpetuity, for roadway purposes, including but not limited to the passage of vehicular and pedestrian traffic, together with all necessary and customary uses attendant thereto, now or hereafter existing, including the construction, maintenance, inspection and operation of curbing, sidewalks, storm drainage, sanitary sewer and other utilities on, over, under through, across that portion of Lot 3.01 in Block 185 as described on “Schedule A”

attached hereto and made a part hereof (“Dedicated Area”) and the Grantor hereby dedicates its interest in said lands to the public use for said purposes.

2. The Borough shall not be responsible for maintenance of the Dedicated Area until after the adoption of an ordinance accepting and establishing the Dedicated Area for roadway and other public purposes.

3. No sign, or signs, of any kind whatsoever shall be placed, caused to be placed or allowed to be placed or maintained within the Dedicated Area, except for signs relating to traffic and safety that are deemed necessary by the Borough for the safe and orderly use of the Dedicated Area for roadway and other public purposes.

4. Grantor agrees to indemnify, defend and hold harmless the Borough from any and all claims or damages as a result of environmental contamination on the Dedicated Area which occurs or is alleged to have occurred during Grantor's ownership of the Dedicated Area, including but not limited to all requirements under the Industrial Site Recovery Act, P.L. 1993, Ch. 139, except where the Borough caused or contributed to the environmental contamination.

5. The within dedication and the rights created and granted hereunder shall be for the benefit of the Borough, its successors and assigns, for the use and purposes herein expressed.

Section 2:

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 3:

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

Introduced: November 10, 2016

Adopted: December 1, 2016

/s/ Frank J. Druetzler