

ORDINANCE NO. 12-2020

AN ORDINANCE AUTHORIZING THE ACQUISITION OF THE FEE SIMPLE INTEREST IN REAL PROPERTY OWNED BY TRINITY EVANGELICAL LUTHERAN CHURCH, BEING A 3.29 ACRE PORTION OF LOT 48 IN BLOCK 66 ON THE TAX MAP OF THE BOROUGH MORRIS PLAINS, ALSO KNOWN AND DESIGNATED AS 131 MOUNTAIN WAY, MORRIS PLAINS, NEW JERSEY.

WHEREAS, Trinity Evangelical Lutheran Church, a not for profit corporation of the State of New Jersey (“Trinity Lutheran”) is the owner of lands located at Lot 48, in Block 66 in the Borough of Morris Plains, Morris County, New Jersey; and

WHEREAS, pursuant to N.J.S.A. 40A:12-4, the Borough Council of the Borough of Morris Plains has determined that it is in the best interests of the Borough to purchase a 3.29 acre portion of said lands to be known and designated as Lot 48.04 in Block 66(the “Property”) and acquire the fee simple interest in said Property at the purchase price of \$215,000.00, based on a fair market value appraisal of the said Property; and

WHEREAS, Trinity Lutheran has agreed to convey the fee simple interest in said Property to the Borough of Morris Plains at the stated purchase price of \$215,000.00 in accordance with the terms of a Sale of Real Estate Purchase Contract between the parties; and

WHEREAS, the Borough applied for a 2020 Morris County Open Space Trust Fund grant to partially fund the acquisition of said Property; and

WHEREAS, the Financial Administrator of the Borough of Morris

Plains has determined that subject to the receipt of the 2020 Morris County Open Space Trust Fund grant, there are sufficient funds available to acquire said interests in the aforesaid Property.

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 a 3.29 acre portion of Lot 48 in Block 66 to be known as Lot 48.04 from Trinity Lutheran, or the current record owner, at the purchase price of \$215,000.00 is hereby authorized and approved subject to the terms and conditions set forth in the Sale of Real Estate Purchase Contract. The land to be acquired are described in Schedule A and depicted in Exhibit 1 annexed hereto and incorporated herein.

Section 2:

The appropriate Borough officials are hereby authorized to take all necessary and proper steps to effectuate and finalize the acquisition.

Section 3:

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

Introduced: November 12, 2020

Adopted: December 3, 2020

/s/ Jason Karr

SCHEDULE A

Lakeland Surveying, Inc.

4 West Main Street
Rockaway, NJ 07866
Ph: 973-625-5670
Fx: 973-625-4121

Description of Property Situated in Borough of Morris Plains County of Morris, New Jersey Tax Lot 48.04 Block 63

BEGINNING at a point on the Easterly sideline of Mountain Way (width unknown), said point being distant 460.02 feet along various courses from the intersection of said sideline of Mountain Way with the Northerly sideline of Franklin Place (50' ROW), and running; thence,

- 1) Along said sideline of Mountain Way, North 04 degrees 52 minutes 36 seconds East, a distance of 35.50 feet to a point; thence,
- 2) Continuing along said sideline of Mountain Way, North 07 degrees 03 minutes 57 seconds East, a distance of 40.00 feet to a point marked by a rebar with cap found; thence
- 3) Leaving said sideline of Mountain Way at a right angle, South 82 degrees 56 minutes 03 seconds East, a distance of 51.00 feet to a point marked by a rebar with cap found; thence,
- 4) North 53 degrees 35 minutes 35 seconds East, a distance of 85.46 feet to a point marked by a rebar with cap found; thence,
- 5) North 80 degrees 51 minutes 02 seconds East, a distance of 56.00 feet to a point; thence,
- 6) North 13 degrees 51 minutes 02 seconds East, a distance of 199.42 feet to a point; thence,
- 7) South 65 degrees 28 minutes 58 seconds East, a distance of 429.20 feet to a point; thence,
- 8) South 24 degrees 52 minutes 00 seconds West, a distance of 499.31 feet to a point; thence,
- 9) North 77 degrees 56 minutes 00 seconds West, a distance of 70.16 feet to a point; thence,
- 10) North 09 degrees 16 minutes 12 seconds East, a distance of 306.46 feet to a point; thence,
- 11) North 82 degrees 13 minutes 46 seconds West, a distance of 92.15 feet to a point; thence,

- 12) North 85 degrees 45 minutes 31 seconds West, a distance of 109.03 feet to a point; thence,
- 13) South 81 degrees 31 minutes 22 seconds West, a distance of 193.73 feet to the Point and Place of Beginning.

Containing 143,297.3 S.F. (3.290 Acres)

Subject to an accurate title search

Subject to documents of record

Subject to 25.00-foot-wide sanitary sewer easements (Deed Book: 2222 Page: 931)

Subject to Watnong Brook easement (Deed Book: 2892 Page: 424)

Subject to flood hazard boundary lines (Morris Plains Borough Tax Assessment Map Sheet No. 6)

Subject to restrictions (Deed Book: Y-40 Page: 43; Deed Book: M-51 Page: 428)

Subject to stream rights (Deed Book: P-59 Page: 50)

Subject to a right-of-way grant (Deed Book: 1925 Page: 729)

Together with a right-of-way (Deed Book: P-59 Page: 50; Deed Book: 4181 Page: 49)

This description is drawn in accordance with a proposed acquisition survey performed by Lakeland Surveying, Inc. dated 06/16/2020.

Marc J. Cifone, P. L. S.
N.J. License No. 24GS04132900

Jeffrey S. Grunn, P.L.S.
NJ License No. 24GS04339900