

ORDINANCE NO. 2004-994

AN ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY WITHIN THE BOROUGH OF MANVILLE FOR THE DEVELOPMENT OF A PUBLIC PARKING LOT

WHEREAS, the Borough of Manville and the County of Somerset have entered into an interlocal agreement for the Economic Development Incentive Program for the acquisition and development of a parking lot on the west side of North Main Street as a private/public sector endeavor; and

WHEREAS, it is the intent of this ordinance to authorize the acquisition of real property and development thereof

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Manville in the County of Somerset and State of New Jersey, as follows:

SECTION 1. AUTHORIZATION FOR ACQUISITION

- A. Acquisition of title in fee to certain real property designated as Block No. 16, Lots 1, 2, 3, 4, 5, 6, and 7 on the Tax Map of the Borough of Manville, as more particularly described in Section 2 of this ordinance, is hereby authorized pursuant to the provisions of *N.J.S.A. 40A:12-5*.
- B. Title shall be marketable and conveyed by bargain and sale deed with covenants against the grantor's acts. Consideration for said deed shall be Sixteen Thousand (\$16,000.00) Dollars which it is hereby determined to be nominal consideration for the real estate to be acquired.
- C. Acquisition shall be subject to certain conditions, restrictions and limitations, *i.e.*: the real property to be acquired shall be utilized as a free public parking lot and for no other purpose; the Borough of Manville shall develop and maintain the parking lot; and reasonable parking regulations shall be adopted with respect to use of the parking lot.
- D. The Borough of Manville shall not discontinue use of said real property as a free public parking lot for a period of 50 years from the date of acquisition without first having enacted an ordinance determining that said real property can no longer be used for the purpose for which it was acquired. In such event and pursuant to the provisions of *N.J.S.A. 40A:12-5(d)*, the Borough shall offer said real property for sale to the original grantor or his heirs for consideration to be calculated as follows:
 - a. If the ordinance is adopted within one (1) year of acquisition by the Borough, Sixteen Thousand (\$16,000.00) Dollars;

- b. If the ordinance is adopted between the first and eighth year following acquisition by the Borough, the consideration shall be reduced by Two Thousand (\$2,000.00) per year;
- c. If the ordinance is adopted between the eighth and fiftieth year following acquisition by the Borough, One Hundred (\$100.00) Dollars.

SECTION 2. Description of Property

All that tract or parcel of land and premises, situated, lying and being in the Borough of Manville, County of Somerset, State of New Jersey and being more particularly described as follows:

BEING known and designated as Lots 1, 2, 3, 4, 5, 6, and 7 in Block 6 as shown on a certain map entitled "Map of Manville Centre", filed in the Somerset County Clerk's Office on June 2, 1926 as Map No. T.

BEGINNING at an iron pipe along the easterly line of North Second Avenue, northerly 120.00 feet from the intersection of the northerly line of Knopf Street with the easterly line of North Second Avenue; and thence

- 1) South 71 degrees 11 minutes 00 seconds East, 100.00 feet to a point; and thence
- 2) North 18 degrees 49 minutes 00 seconds East, 40.00 feet to a point; and thence
- 3) South 71 degrees 11 minutes 00 seconds East, 40.00 feet to a point; and thence
- 4) North 18 degrees 49 minutes 00 seconds East, 98.16 feet to a point along the southerly line of Dukes Parkway; and thence
- 5) Along the southerly line of Dukes Parkway, curving to the right in a westerly direction, having a radius of 553.00 feet and an arc length of 154.62 feet to a point; and thence
- 6) Along the easterly line of North Second Avenue, South 18 degrees 49 minutes 00 seconds West, 73.73 feet to the point or place of BEGINNING.

The above description is drawn in accordance with a survey prepared by Brunswick Surveying, Inc., dated October 29, 2001.

BEING known as Lot 1 through 7, Block 16 on the Tax Map of the Borough of Manville, County of Somerset.

SECTION 3. EXECUTION OF DOCUMENTS

The Mayor and Clerk are hereby authorized to executed such contracts and other documents as shall be required to implement the provisions of this ordinance and to acquire title to the property described in Section 2, hereof.

SECTION 4. CONSTRUCTION

Where consistent with the context in which used in this ordinance, words importing the singular shall include the plural; words importing the plural shall include the singular; and, words importing one gender shall include all other genders.

SECTION 5. INCONSISTENCY

Should any provision of this ordinance be inconsistent with the provisions of any prior ordinances, the inconsistent provisions of said prior ordinances are hereby repealed, but only to the extent of such inconsistencies.

SECTION 6. SEVERABILITY

In the event that any provision of this ordinance, or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this ordinance which may be given effect, and, to realize this intent, the provisions and applications of this ordinance are declared to be severable.

SECTION 7. PURPOSE OF CAPTIONS

Captions contained in this ordinance have been inserted only for the purpose of facilitating reference to the various sections, and are not intended and shall not be utilized to construe the intent and meaning of the text of any section.

SECTION 8. EFFECTIVE DATE

This ordinance shall be effective immediately upon final adoption, approval, and publication in accordance with law.

Borough of Manville

Angelo Corradino, Mayor

ATTEST:

Philip E. Petrone, Borough Clerk

STATEMENT OF PURPOSE

The purpose of this Ordinance is to authorize the acquisition of real property for the development of a free public parking lot.

ORDINANCE #2004-994

FIRST READING:

Introduced	Seconded	Council	Yes	No	Abstain	Absent
		ALLAN	√			
√		ASHER	√			
	√	OTRIMSKI	√			
		PETROCK				√
		POLAK	√			
		WEISS	√			
		MAYOR CORRADINO				

PASSED this 9th day of **August**, 2004.

Attest:

Philip E. Petrone, Borough Clerk

SECOND READING:

Introduced	Seconded	Council	Yes	No	Abstain	Absent
		ALLAN	√			
		ASHER	√			
	√	OTRIMSKI	√			
√		PETROCK	√			
		POLAK	√			
		WEISS	√			
		MAYOR CORRADINO				

PASSED this 13th day of **September**, 2004.

Attest:

Philip E. Petrone, Borough Clerk