

ORDINANCE 2024-08

ORDINANCE OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS,
STATE OF NEW JERSEY, AUTHORIZING THE ACQUISITION OF CERTAIN
PROPERTY IDENTIFIED AS BLOCK 48.16, LOTS 121 AND 122 ON THE OFFICIAL
TAX MAPS OF THE TOWNSHIP, AND MORE COMMONLY REFERRED TO AS 441
SOUTHERN BOULEVARD

WHEREAS, *N.J.S.A.* 40A:12-1 *et seq.* (the “**Local Lands and Buildings Law**”), permits a municipality to acquire by purchase, gift, devise, lease, exchange, condemnation or installment purchase agreement any real property; and

WHEREAS, Mc Donfen Group, L.L.C., or such other similar entity (the “**Seller**”), is the owner of certain property identified as Block 48.16, Lots 121 and 122 (the “**Property**”), on the official tax maps of the Township of Chatham, in the County of Morris, New Jersey (the “**Township**”); and

WHEREAS, the Township wishes to acquire, and the Seller wishes to convey, fee simple title interest in and to the Property, for a purchase price of \$750,000.00 (the “**Purchase Price**”); and

WHEREAS, pursuant to *N.J.S.A.* 40A:12-5(a)(1), the Township is authorized to acquire the Property from the Seller; and

WHEREAS, the County of Morris, New Jersey (the “**County**”) and The Trust for Public Land d/b/a TPL-New Jersey, a California nonprofit public benefit corporation authorized to conduct business in the State of New Jersey (“**TPL**”), entered into a Grant Agreement (as amended and supplemented from time to time, the “**Grant Agreement**”), pursuant to which the County shall make a grant in the amount of \$350,000 from the Morris County Open Space, Recreation, Farmland and Historic Preservation Trust Fund (the “**Trust Fund**”) to TPL for the purposes described in the Grant Agreement (the “**Trust Fund Grant**”); and

WHEREAS, TPL has agreed to assign its right, title and interest, legal and equitable, in or to the Grant Agreement and the Trust Fund Grant to the Township pursuant to an Assignment and Assumption of Grant Agreement (in the form on file in the office of the Township Clerk, the “**Assignment Agreement**”), and the County has consented to such assignment; and

WHEREAS, the Township wishes to utilize the Trust Fund Grant to provide for a portion of the Purchase Price; and

WHEREAS, pursuant to the terms of the Grant Agreement, the Township must utilize the Trust Fund Grant to acquire the Property by June 14, 2024; and

WHEREAS, the Township Committee has determined to authorize the acquisition of the Property and the execution of a purchase and sale agreement containing, among others, the terms set forth in an offer to purchase dated November 7, 2023 (the “**Purchase and Sale Agreement**”).

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of Township of Chatham, County of Morris, State of New Jersey, as follows:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The Township hereby authorizes the acquisition of the Property. The Mayor and Business Administrator of the Township (each, an “**Authorized Officer**” and together, the “**Authorized Officers**”) are hereby authorized and directed to take, or cause to be taken, all actions necessary to acquire the Property, including but not limited to the execution, by the Mayor, of a Purchase and Sale Agreement in a form approved by the Mayor upon consultation with counsel to the Township, and the Township Clerk is hereby authorized to attest such execution and to deliver same to the other party thereto.

Section 3. All actions previously taken by the Authorized Officers, or by any employee, contractor or consultant employed by or engaged by the Township, in connection with the acquisition of the Property or the assignment of the Grant Agreement and the Trust Fund Grant are hereby ratified, confirmed and approved.


Section 4. If any part(s) of this ordinance shall be deemed invalid, such part(s) shall be severed and the invalidity thereof shall not affect the remaining parts of this ordinance.

Section 5. This ordinance shall take effect in accordance with applicable law.

Introduced: March 26, 2024

Adopted: April 9, 2024

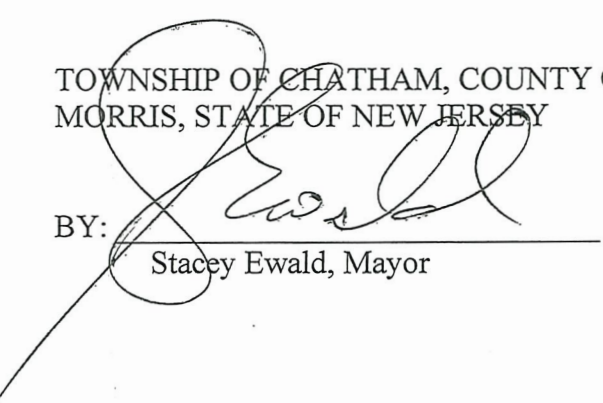
Attest:



Gregory J. LaConte, Clerk

TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY

BY:



Stacey Ewald, Mayor

I, Gregory J. LaConte, Township Clerk of the Township of Chatham in the County of Morris, New Jersey, hereby certify the foregoing to be a true complete copy of an ordinance adopted by the Township Committee of the Township of Chatham at a regular meeting held on April 9, 2024.

Date Issued: 4-10-2024



Township Clerk