

RESOLUTION 2024-103

RESOLUTION OF THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF AN ASSIGNMENT AND ASSUMPTION OF GRANT AGREEMENT WITH THE TRUST FOR PUBLIC LAND D/B/A TPL-NEW JERSEY, IN CONNECTION WITH 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 execution of the Assignment Agreement.

NOW, THEREFORE, BE IT RESOLVED 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 Assignment Agreement is hereby approved with such changes as may be approved by the Mayor upon consultation with counsel to the Township. The Mayor and Business Administrator of the Township (each, an “**Authorized Officer**” and together, the “**Authorized Officers**”) are hereby authorized and directed to execute the Assignment Agreement, with such changes as may be 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 assignment of the Grant Agreement and the Trust Fund Grant are hereby ratified, confirmed and approved.
- Section 4. If any part(s) of this resolution shall be deemed invalid, such part(s) shall be severed and the invalidity thereof shall not affect the remaining parts of this resolution.
- Section 5. This resolution shall take effect immediately.

Adopted: March 26, 2024

Attest:



Gregory J. LaConte, Clerk

TOWNSHIP OF CHATHAM IN
THE COUNTY OF MORRIS

By 

Stacey Ewald, Mayor