

**AN ORDINANCE AUTHORIZING THE ACQUISITIONS OF INTERESTS IN REAL  
PROPERTY ASSOCIATED WITH THE MILLHURST MILLS INC. PLANNING  
BOARD APPLICATION**

**Ordinance No. 2009-17**

**WHEREAS**, Millhurst Mills Inc. previously submitted a Minor Subdivision Application to the Manalapan Township Planning Board; and

**WHEREAS**, the said Application concerned the property identified as Block 82, Lot 33.01; and

**WHEREAS**, said Application was approved by the Manalapan Township Planning Board on or about January 22, 2009; and

**WHEREAS**, the said approval was memorialized in a written Resolution of the Planning Board; and

**WHEREAS**, condition 2 of the aforesaid Resolution of Approval provides the following:

*Submission of Deeds, Dedication or Easement for any Right-of-Ways or Easements required, including deed restrictions, shared access easements, and hold harmless provisions in favor of the Township for both lots, acceptable in form and substance to the Township Engineer and Township Attorney.*

**WHEREAS**, condition 7 of the aforesaid Resolution of Approval provides the following:

*Applicant shall prepare and record a Declaration confirming the easement area and the Deed for Lot 33.04 shall reflect the Declaration of Easement and the responsibility of the property owner to maintain same.*

**WHEREAS**, in furtherance of the above, agents of the Applicant submit proposed Deeds to the Township of Manalapan, so that the Municipality can accept the referenced

interests in property, at a nominal price of \$1.00 (One Dollar and No Cents) for each Deed / Easement.

**WHEREAS**, the Local Land and Buildings Law (N.J.S.A. 40A:12-5, et seq.) requires that any municipal acquisition of property (even by gift) shall be authorized via the adoption of a confirming Ordinance; and

**WHEREAS**, the Township Committee of the Township of Manalapan is of the opinion that the acquisitions of the aforesaid interests in property will be in the best interest of the Township and its residents;

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Manalapan as follows:

1. That in conjunction with the previously referenced approval, the Township of Manalapan is hereby authorized to acquire an interest in the properties identified as follows:
  - a. Deed for Conservation and Buffer Easements  
Block 82, Portion of Lot 33.01  
Manalapan Township, New Jersey
  - b. Deed of Easement and Right of Way  
Block 82, Portion of Lot 33.01  
Manalapan Township, New Jersey
  - c. Deed of Temporary Shade Tree Easement  
Block 82, Portion of Lot 33.01  
Manalapan Township, New Jersey
  - d. Deed of Sight Easement  
Block 82, Portion of Lot 33.01  
Manalapan Township, New Jersey
  - e. Deed of Declaration and Reconfirmation of Access  
Easement  
Block 82, Portion of Lot 33.01  
Manalapan Township, New Jersey
2. That the purchase price for each of the aforesaid Acquisitions shall be \$1.00 (One Dollar and No Cents), and other good and valuable consideration.

3. That the within Acquisitions shall be contingent upon the Township's Chief Financial Officer confirming that funds are available for the stated purpose.
4. That the Township Mayor, Deputy Mayor, Administrator, Clerk, Engineer, Attorney, and other appropriate representatives are hereby authorized to sign any and all documents necessary to effectuate the intentions of the within Resolution.
5. That the subject Acquisitions shall be subject to the Township Attorney approving the Deeds of Conveyance as to legal form.
6. That the subject Acquisitions shall be subject to the Township Engineer approving the subject Legal Descriptions.
7. That the within Acquisitions shall, at the election of the Township Committee, be contingent upon the governing body reviewing / approving a satisfactory title search and satisfactory environmental analysis of the properties to be conveyed hereunder.
8. That all Ordinances, or parts of Ordinances inconsistent herewith, are hereby repealed.
9. That unless otherwise provided by law, the within Ordinance shall take effect upon lawful adoption.

I, ROSE ANN WEEDEN, Clerk of the Township of Manalapan, do hereby certify Ordinance No. 2009-17 entitled, **AN ORDINANCE AUTHORIZING THE ACQUISITIONS OF INTERESTS IN REAL PROPERTY ASSOCIATED WITH THE MILLHURST MILLS INC. PLANNING BOARD APPLICATION** , as a true copy as adopted by the Township Committee on \_\_\_\_\_, 2009.

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ROSE ANN WEEDEN, Municipal Clerk

<b>Introduction</b> 08-12-09	<b>Public Hearing Held &amp; Closed:</b>	<b>Adopted</b>	Millhurst-Deeds
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