

**AN ORDINANCE AUTHORIZING THE ACQUISITIONS OF INTERESTS IN REAL
PROPERTY ASSOCIATED WITH THE LAV, LLC PLANNING BOARD
APPLICATION**

Ordinance No. 2009-18

WHEREAS, LAV, LLC previously submitted a Minor Subdivision Application to the Manalapan Township Planning Board; and

WHEREAS, the said Application concerned the property identified as Block 71, Lots 8.06 and 8.07; and

WHEREAS, said Application was approved by the Manalapan Township Planning Board on or about August 14, 2008; 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.

WHEREAS, LAV, LLC is required to dedicate to the Township of Manalapan a ten (10) year temporary 20 foot Shade Tree Easement pursuant to the Municipal Code of the Township of Manalapan, Chapter 95-8.5F. et seq.; and

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 of Dedication
10 Year Temporary 20 Foot Shade Tree Easement
Block 71, Lots 8.06 and 8.07
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. 2009-18 entitled, **AN ORDINANCE AUTHORIZING THE ACQUISITIONS OF INTERESTS IN REAL PROPERTY ASSOCIATED WITH THE LAV LLC PLANNING BOARD APPLICATION** , as a true copy as adopted by the Township Committee on _____, 2009.

ROSE ANN WEEDEN, Municipal Clerk

Introduction 08-12-09	Public Hearing Held & Closed:	Adopted	LAV-Deeds
---------------------------------	--	----------------	-----------