

LEGAL NOTICE

TOWNSHIP OF PARSIPPANY-TROY HILLS MUNICIPAL ORDINANCES

NOTICE OF INTRODUCTION

NOTICE IS HEREBY GIVEN, that the following Ordinance was submitted in writing at a Meeting of the Township Council of the Township of Parsippany-Troy Hills, in the County of Morris and State of New Jersey, held on **April 25, 2017** introduced and passed on first reading and the governing body will further consider the same for second reading and final passage thereof at a Meeting to be held on **May 16, 2017** at 7:30 p.m., prevailing time, or as soon thereafter as the matter may be reached, at the Municipal Building in said Township at which time and place a Public Hearing will be held thereon by the governing body, and all persons and citizens in interest shall have an opportunity to be heard concerning same. A copy of this ordinance has been posted on the Bulletin Board in the Municipal Building. During the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's Office in said Municipal Building to the members of the general public who shall request the same.

KHALED MADIN
Township Clerk

TOWNSHIP OF PARSIPPANY-TROY HILLS MORRIS COUNTY, NEW JERSEY

ORDINANCE NO. 2017:07

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS IN THE COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING THE ACQUISITION BY PURCHASE OF PROPERTIES LOCATED IN THE TOWNSHIP THROUGH THE TOWNSHIP OPEN SPACE, RECREATION, FLOODPLAIN PROTECTION, AND FARMLAND AND HISTORIC PRESERVATION PROGRAM

WHEREAS, pursuant to N.J.S.A. 40A:12-5, the Township of Parsippany-Troy Hills ("Township") has the power to acquire any real property for a public purpose through negotiated agreement; and

WHEREAS, Theresa E. Puzio (the "Seller") is the title owner of that certain parcel of real property identified as Block 469, Lot 6 and Lot 6 QFarm on the Township's official Tax Map and located at 389 Knoll Road (the "Property"); and

WHEREAS, the Property consists of approximately 5.93 acres of open space and woodland which was formerly a working farm; and

WHEREAS, for over twenty (20) years, the Seller has been in negotiations with the Township regarding the disposition of the Property; and

WHEREAS, pursuant to the parties' negotiations, the Seller has agreed to convey the entirety of the Property to the Township to be preserved as open space; and

WHEREAS, in consideration for conveyance of the Property, the Township has agreed to pay to the Seller the amount of One Million, Six Hundred Thousand United States Dollars (US\$1,600,000.00); and

WHEREAS, the Township has applied for and received preliminary approval for grant funding from the Morris County Open Space Preservation Grant in the amount of Seven Hundred Seventy-Two Thousand, Five Hundred United States Dollars (\$772,500.00) to be applied to the purchase price of the Property at closing; and

WHEREAS, at its meeting on March 9, 2017, the Township Open Space Committee voted to recommend, in light of the Morris County Open Space Preservation Grant, that the Township Council authorize the expenditure of Township Open Space Funds in an amount not to exceed Eight Hundred Twenty-Seven Thousand, Five Hundred United States Dollars (US\$827,500.00) to fund the remaining portion of the purchase price of the Property; and

WHEREAS, as a result of the aforementioned extended period of negotiations, the Seller has incurred significant costs regarding the Property, including legal fees and carrying costs; and

WHEREAS, the Township Council finds and declares that it is in the best interests of the Township and its residents to reimburse the Seller for its costs incurred over the extended negotiation period in an amount not to exceed Fifty Thousand United States Dollars (US\$50,000.00).

NOW, THEREFORE BE IT ORDAINED, by the Township Council of the Township of Parsippany-Troy Hills, County of Morris and State of New Jersey that:

1. The above recitals are hereby incorporated into the body of this Ordinance as if set forth at length herein.
2. The acquisition by negotiated purchase of a fee simple interest in the Property as defined herein above is hereby authorized.
3. The acquisition by negotiated purchase of a fee simple interest in the Property shall be funded, in the first instance, by the Morris County Open Space Preservation Grant Program, and that any portion of the purchase price not covered by the Morris County Open Space Preservation Grant Program shall be paid by the Township utilizing Township Open Space Funds in an amount not to exceed Eight Hundred Twenty-Seven Thousand, Five Hundred United States Dollars (US\$827,500.00).

4. The reimbursement of the Seller's costs and fees in an amount not to exceed Fifty Thousand United States Dollars (US\$50,000.00) is hereby authorized.
5. The Township Attorney and the Business Administrator are hereby authorized to take all actions necessary to acquire the Property through negotiated purchase.
6. The Mayor and Township Clerk are hereby authorized to execute and witness, respectively, any documents necessary to effectuate the purchase of the Property subject to the above terms.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinance or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict only; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.