



## Legislation Details (With Text)

**File #:** 15-1177      **Version:** 1      **Name:**  
**Type:** Ordinance      **Status:** Filed  
**File created:** 6/9/2015      **In control:** Water Sewer Utility  
**On agenda:** 6/17/2015      **Final action:** 8/5/2015  
**Title:** AN ORDINANCE AUTHORIZING THE EXCHANGE OF PROPERTY PURSUANT TO N.J.S.A. 40A:12-16.  
**Sponsors:** Council of the Whole  
**Indexes:**  
**Code sections:**

Date	Ver.	Action By	Action	Result
8/5/2015	1	Municipal Council	Close on Public Hearing and Adopt	Pass
7/1/2015	1	Municipal Council	Adopt on First Reading	Pass
6/17/2015	1	Municipal Council	Advance to First Reading	Pass

### **AN ORDINANCE AUTHORIZING THE EXCHANGE OF PROPERTY PURSUANT TO N.J.S.A. 40A:12-16.**

**WHEREAS**, the City of Newark, County of Essex, State of New Jersey, is the owner of property identified as Block 15001, Lot 6 which is vacant land along Clinton Road consisting of 12,374 square feet (0.284 acres) within the Township of West Milford (hereinafter referred to as the "Newark Property"); and

**WHEREAS**, the Township of West Milford is the owner of property identified as Block 16908, Lot 1 which is a portion of the two-lane roadway known as Clinton Road consisting of 10,270 square feet (0.236 acres) located within the Township of West Milford (hereinafter referred to as the "West Milford Property"); and

**WHEREAS**, the County of Passaic ("County") is planning to undertake a project known as the Replacement of the Clinton Road Bridge (County Structure No. 1600-175) over Mossman's Brook ("Bridge Replacement Project") in the Township of West Milford; and

**WHEREAS**, the Bridge Replacement Project is needed as the present bridge is situated at a sharp curve at Clinton Road; and

**WHEREAS**, the Bridge Replacement Project will be funded from the New Jersey Transportation Trust Fund Authority Act, and the County must award a construction contract by June 23, 2015 or it will lose State funding on this project; and

**WHEREAS**, in connection with the above Bridge Replacement Project, the County of Passaic has obtained appraisals on the Newark and the West Milford Properties, which provided that the Newark Property had an appraised value of \$15,500.00, and the West Milford Property had an appraised

value of \$12,800.00; and

**WHEREAS**, the City of Newark has determined that the Newark Property is not needed for public use; and

**WHEREAS**, pursuant to the provisions of N.J.S.A. 40A:12-16, et seq., the City of Newark and the Township of West Milford agree to the exchange of the Newark Property for the West Milford Property in a form of Agreement to be agreed to by the City of Newark and the Township of West Milford; and

**WHEREAS**, Township of West Milford as part of its agreement to exchange the West Milford Property has agreed to vacate the West Milford Property and title to the vacated property shall revert to the City of Newark; and

**WHEREAS**, as part of the Bridge Replacement Project, the County of Passaic, pursuant to Resolution R-12-829, has agreed to provide the City of Newark with additional compensation for the exchange of property in the amount of Two Thousand Seven Hundred Dollars and Zero Cents (\$2,700.00) and will execute an agreement in a form to be agreed to by the City and County of Passaic in furtherance thereof.

**NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:**

Section 1. The Mayor and Council declare the Newark Property is not needed for public use.

Section 2. The Mayor and/or his designee the Director of the Department of Water and Sewer are hereby authorized to enter into and execute an agreement with the Township of West Milford for the exchange of the Newark Property for the West Milford property, pursuant to the provisions of N.J.S.A. 40A:12-16, et seq., in a form to be agreed to by the parties and subject to the review and approval of the City of Newark Corporation Counsel.

Section 3. The Director of the Department of Water and Sewer is hereby authorized to execute such other documents as may be required to close and transfer title to the Newark Property to the Township of West Milford and to obtain title to the West Milford Property, subject to the review and approval of the City of Newark Corporation Counsel.

Section 4. All properties shall be sold and exchanged subject to all existing encumbrances, liens, zoning regulations, easements or other restrictions, such facts as an accurate survey may reveal and any present or future assessments for the construction and improvements benefitting the property;

Section 5. The Mayor and/or his designee the Director of the Department of Water and Sewer are hereby authorized to enter into and execute an agreement with Passaic County, in a form to be agreed to by the parties, to provide the City of Newark with additional compensation in the amount of Two Thousand Seven Hundred Dollars and Zero Cents (\$2,700.00), for its agreement to exchange the Newark Property for West Milford Property, subject to the review and approval of the City of Newark Corporation Counsel.

Section 6. This Ordinance shall be invalid if the Township of West Milford fails to enter into and execute an agreement with the City of Newark for the exchange of the Newark Property for the West Milford property and fails to vacate the West Milford Property and vest title

in the City of Newark.

Section 7. A copy of the fully executed agreement between the City of Newark and the Township of West Milford for the exchange of the Newark Property for West Milford Property and all related transfer documents shall be filed in the City Clerk's Office by the Director of the Department of Water and Sewer.

Section 8. A copy of the fully executed agreement between the City of Newark and Passaic County shall be filed in the City Clerk's Office by the Director of the Department of Water and Sewer.

Section 9. No funds are being expended by the City of Newark in connection with this exchange of land.

Section 10. If any article, section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, and they shall remain in full force and effect.

Section 11. Any existing ordinance, or part thereof, inconsistent with this ordinance is hereby repealed to the extent of such inconsistency.

Section 12. This ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.

**STATEMENT:**

This Ordinance authorizes the exchange of City Property identified as Block 15001, Lot 6 in the Township of West Milford for the Property owned by the Township of West Milford identified as Block 16908, Lot 1. This Ordinance further authorizes the City to enter into an agreement with Passaic County for Passaic County agreeing to provide the City with additional compensation in the amount of Two Thousand Seven Hundred Dollars and Zero Cents (\$2,700.00) for exchanging its property for the property owned by Township of West Milford.