ORDINANCE 12-19

ORDINANCE AUTHORIZING ACCEPTING DONATION AND CONVEYANCE OF CHAPEL HILL ROAD (COUNTY ROAD 633A) AS SHOWN ON THE ATTACHED JURISDICTIONAL LIMIT MAP OF THE BOROUGH OF LINCOLN PARK

WHEREAS, the County of Morris is the owner of a road named Chapel Hill Road (County Road 633A) in the Borough of Lincoln Park; and

WHEREAS, the County of Morris has offered to donate for no consideration Chapel Hill Road (County Road 633A) to the Borough of Lincoln Park; and

WHEREAS, N.J.S.A. 27:16-28 provides that a road, or portion thereof, owned or controlled by a county, may be discontinued by a county and returned to the jurisdiction and control of the municipality wherein the road is situated; and

WHEREAS, the Board of Chosen Freeholders, County of Morris, State of New Jersey, passed Resolution No. 49 at a duly held public meeting on August 14, 2019 authorizing the transfer of jurisdiction and control of Chapel Hill Road (County Road 633A) in the Borough of Lincoln Park to the Borough of Lincoln Park; and

WHEREAS, the Borough of Lincoln Park has, after consultation with its legal and engineering professionals determined that it is in the public interest to accept the donation of Chapel Hill Road (County Road 633A) from the County of Morris; and

WHEREAS, N.J.S.A. 40A-12-1 et seq. and 40A:12-5, the Local Lands and Buildings Law, authorizes a public entity to acquire real property by gift pursuant to a duly adopted Ordinance; and

WHEREAS, Chapel Hill Road (County Road 633A) is to be conveyed free and clear of any encumberances; and

WHEREAS, the Borough of Lincoln Park has agreed to assume the ownership and responsibility for the entire length of Chapel Hill Road (County Road 633A) as set forth in the annexed Jurisdictional Limit Map (Exhibit A) that the County of Morris has agreed to discontinue Main Street as a county road; and

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of Lincoln Park, County of Morris, State of New Jersey, as follows:

Section 1. The Borough Council of the Borough of Lincoln Park hereby consents to the return to the jurisdiction of Lincoln Park Borough the entire length of Chapel Hill Road (CR 633A) as set forth in the annexed Jurisdictional Limit Map (Exhibit A) pursuant N.J.S.A. 27:16-28.
Section 2. In accepting Chapel Hill Road (CR 633A) as set forth in the annexed Jurisdictional Limit Map (Exhibit A), the Borough of Lincoln Park accepts all jurisdiction over and responsibility, reconstruction, repair, and maintenance thereof.

Section 3. The Mayor of the Borough of Lincoln Park is hereby authorized to accept the jurisdiction and ownership of Chapel Hill Road (CR 633A); and

Section 4. The Mayor, Borough Attorney and Business Administrator, along with all other appropriate officers and employees of the Borough, are hereby authorized and directed to sign and/or execute all required documentation to effectuate the purpose of this resolution.

Section 5. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provision of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder of any portion thereof.

Section 6. All Ordinances or parts of Ordinances of the Borough of Lincoln Park which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 7. The Municipal Clerk is authorized and directed to immediately file a true and accurate copy of this resolution and the attached Jurisdictional Limit Map in the office of the Morris County Clerk of the Board.

Section 8. This Ordinance shall take effect immediately after final passage and publication on the manner provided by law.

ATTEST:

Raymond T Kerwin, Council President                    Cynthia L. Sloane, RMC, Municipal Clerk

Mayor Dr. David Runfeldt

INTRODUCED: SEPTEMBER 16, 2019
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