



Borough of Chatham

BOROUGH HALL

54 FAIRMOUNT AVENUE • CHATHAM • NEW JERSEY 07928

ORDINANCE #16-09

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE BOROUGH OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY DISCLAIMING THE BOROUGH'S INTEREST IN BLOCK 99, LOT 12

WHEREAS, Hans Luttringhaus and M. Jean Luttringhaus, his wife, conveyed the property located at Block 99, Lot 12 (the "Property") to the Borough of Chatham by deed dated October 30, 1954, and recorded said deed in the Morris County Clerk's Office in Book X57 Page 418, subject to "the express condition that the [Property] be used only for road purposes by the Borough of Chatham and in the event that at any time in the future the proper officials of the Borough of Chatham determine that the [Property] is not necessary for Borough road purposes and therefore determine to vacate same, all of the subject premises shall automatically revert back to the grantors herein or to their heirs and assigns"; and

WHEREAS, a copy of said deed is attached hereto and made a part hereof this Ordinance as Exhibit A; and

WHEREAS, the Property was subsequently placed on the Borough's Recreation and Open Space Inventory ("ROSI") in error; and

WHEREAS, by letter to the New Jersey Department of Environmental Protection, Green Acres Program, dated July 15, 2016, the Borough Attorney requested that the Borough's ROSI be amended to remove the Property because the Property was held for road purposes, and not recreation and conservation purposes, and used as the sole access to Block 99, Lot 2.01; and

WHEREAS, by letter dated July 27, 2016, the New Jersey Department of Environmental Protection, Green Acres Program authorized the Borough to remove the Property from the Borough's ROSI pursuant to N.J.A.C. 7:36-26.3g(1); and

WHEREAS, the Borough will prepare a new ROSI to reflect the deletion of the Property; and

WHEREAS, the Mayor and Council have determined the Property is not needed for road purposes and wish to formally disclaim any interest in Block 99, Lot 12; and

WHEREAS, pursuant to Exhibit A, the Property shall revert back to the grantors, or their heirs and assigns, and the Property shall be held by the grantors, or their heirs and assigns, free and discharged from all public rights as if said public rights had never existed, subject to easements, covenants and restrictions of record.

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Chatham, County of Morris, and State of New Jersey as follows:

Section 1. The Borough hereby disclaims any interest in Block 99, Lot 12 granted to it by deed from Hans Luttringhaus and M. Jean Luttringhaus, his wife, to the Borough of Chatham, dated October 30, 1954, by deed dated October 30, 1954, and recorded in the Morris County Clerk's Office in Book X57 Page 418 (Exhibit A).

Section 2. In accordance with said deed, the Property shall revert back to the grantors, or their heirs and assigns, and the Property shall be held by the grantors, or their heirs and assigns, free and discharged from all public rights as if said public rights had never existed, subject to easements, covenants and restrictions of record.

Section 3. The Borough Clerk is hereby directed and authorized to record this Ordinance in the Office of the Morris County Clerk.

Section 4. This Ordinance shall take effect on upon passage and publication in accordance with applicable law.

Introduced: September 12, 2016