

TOWNSHIP OF FRANKLIN

ORDINANCE NO. 3858

ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY IDENTIFIED ON THE TOWNSHIP'S TAX MAP AS BLOCK 298, LOT 11 (304 HILLCREST AVENUE) IN CONNECTION WITH THE SETTLEMENT OF LITIGATION.

SUMMARY

An Ordinance authorizing the Township's acquisition of certain real property identified on the Township's Tax Map as Block 298, Lot 11 (304 Hillcrest Avenue) in connection with the settlement of litigation with Edward and Maureen Matson.

WHEREAS, by Resolution No. 08-627, the Township Council of the Township of Franklin authorized the Settlement of \$90,000.00 in connection with litigation captioned "Matson v. Franklin Township Board of Adjustment, et al.", Docket No. SOM-L-1578-05 (the "Litigation"); and

WHEREAS, toward that end, the Township and the Plaintiffs in the Litigation, Edward and Maureen Matson, husband and wife (the "Matsons"), duly executed a Stipulation of Dismissal and a Form of Release with respect to the Settlement of the Litigation; and

WHEREAS, in accordance with the Settlement of the Litigation, the Matsons were paid the sum of \$90,000.00 in connection therewith by the Township; and

WHEREAS, among other things, the Settlement of the Litigation was predicated upon the stipulation that the Township had inversely condemned the Matson's real property identified on the Township's Tax Map as Block 298, Lot 11 (304 Hillcrest Avenue) (the "Property"); and

WHEREAS, as a result of the inverse condemnation of the Property and the payment of the Settlement amount to the Matsons, the Matsons are desirous of conveying the Property to the Township; and

WHEREAS, to effectuate the foregoing and to perfect the Settlement of the Litigation, the Township is desirous of acquiring title to the Property, all in accordance with the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq. and the Settlement of the Litigation.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey as follows:

SECTION I

The Township's acquisition of certain real property identified on the Township's Tax Map as Block 298, Lot 11 (304 Hillcrest Avenue) and owned by Edward and Maureen Matson be and hereby is authorized for the reasons set forth in the above Recitals, which are incorporated herein by reference as if set forth at length.

SECTION II

The Township Attorney shall work with counsel for the Matsons to consummate the closing of title with respect to the acquisition of the Property, by purchase, in consideration of the Settlement previously paid in the amount of \$90,000.00.

SECTION III

The Mayor and the Township Clerk be and hereby are authorized and directed to execute, on the Township's behalf, all documents reasonably and necessarily required to effectuate the closing of title and acquisition of the Property, all as aforementioned.

SECTION IV

Each clause, section or subsection of this Ordinance shall be deemed a separate provision to the extent that if any such clause, section or subsection should be declared invalid, the remainder of the Ordinance shall not be affected.

SECTION V

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION VI

This Ordinance shall take effect immediately upon adoption and publication according to law.

ORDINANCE NO. 3858

This is a true copy of an Ordinance adopted by the Township Council, Township of Franklin, Somerset County, New Jersey.

Introduced: October 27, 2009
Public Hearing: November 24, 2009
Adoption:
Notice of Adoption:
Effective Date:

Ann Marie McCarthy, Township Clerk