

ORDINANCE NO. 1-12

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING A LEASE BETWEEN THE TOWNSHIP OF HANOVER AND THE ARC/MORRIS COUNTY CHAPTER, NEW JERSEY, INC. REGARDING TOWNSHIP OWNED PROPERTY AT 24 HORSE HILL ROAD IN THE CEDAR KNOLLS SECTION OF HANOVER TOWNSHIP, AND ALSO KNOWN AS LOT 6 IN BLOCK 601 AS SET FORTH ON THE TAX MAP OF THE TOWNSHIP OF HANOVER

WHEREAS, the Township of Hanover has determined that it does not have a current need or a foreseeable need for one (1) parcel of land at 24 Horse Hill Road in the Cedar Knolls section of Hanover Township, and also designated as Tax Lot 6 in Block 601 as set forth on the Tax Map of the Township of Hanover; and

WHEREAS, The ARC/Morris County Chapter, New Jersey, Inc., a non-profit corporation of the State of New Jersey, which provides Group Homes for those who are developmentally disabled, seeks to develop on Lot 6 in Block 601 a group home to accommodate up to seven (7) developmentally disabled individuals on an as needed basis, which home will be built at The ARC's expense, and will be built on the basis of a long-term lease of the land from the Township; and

WHEREAS, N.J.S.A. 40A:12-14 (c) provides that a municipality may lease to a nonprofit corporation at a nominal consideration, lands that are not needed by a municipality for its use, for use by the nonprofit corporation, for such activities as the construction of a group home; and

WHEREAS, the Township has negotiated with The ARC/Morris County Chapter, New Jersey, Inc. a lease, a copy of which is on file with the Township Clerk and same is deemed to be satisfactory.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Hanover in the County of Morris and State of New Jersey as follows:

Section 1. The lease between the Township of Hanover and The ARC/Morris County Chapter, New Jersey, Inc. providing for a rent of One (\$1.00) Dollar and other good and valuable consideration of one (1) parcel of Township owned land at 24 Horse Hill Road in the Cedar Knolls section of Hanover Township, and also known as Lot 6 in Block 601 on the Tax Map of the Township of Hanover for a period of 78 years for the construction of a group home to accommodate up to seven (7) developmentally disabled individuals on an as needed basis, without any mortgage or lien being placed on the aforesaid land is hereby approved.

Section 2. The execution of the lease by and between the Township and The ARC/Morris County Chapter, New Jersey, Inc. shall be contingent upon The ARC receiving all local approvals including any variances or sub-divisions that may be required by the Township.

Section 3. The ARC/Morris County Chapter, New Jersey, Inc. shall be required to annually submit a report to the Business Administrator/Township Clerk setting out the following:

- a. The use to which the leasehold was put during each calendar year;
- b. The activities of the leasee undertaken in furtherance of the public purpose for which the leasehold was granted;
- c. The approximate value or cost, if any, of such activities in furtherance of such purpose; and
- d. Affirmation of the continued tax exempt status of the non-profit corporation pursuant to both State and Federal law.

The Business Administrator/Township Clerk for the Township of Hanover shall be responsible for the enforcement of the conditions of the said lease.

Section 4. The Mayor and Township Clerk are hereby authorized to execute the lease.

TOWNSHIP COMMITTEE
TOWNSHIP OF HANOVER
COUNTY OF MORRIS
STATE OF NEW JERSEY

ATTEST:

Ronald F. Francioli, Mayor

Joseph A. Giorgio, Township Clerk

DATE OF INTRODUCTION: January 12, 2012

DATE OF ADOPTION: February 9, 2012

CERTIFICATION

I, Joseph A. Giorgio, Township Clerk of the Township of Hanover, County of Morris and State of New Jersey, do hereby certify the foregoing to be a true copy of an Ordinance adopted by the Township Committee of said Township on the 9th day of February, 2012, at a meeting duly convened, of said Body.

Joseph A. Giorgio, R.M.C.,
Township Clerk

NOTICE OF INTRODUCTION

NOTICE IS HEREBY GIVEN, That the foregoing Ordinance was submitted in writing at a meeting of the Township Committee of the Township of Hanover, in the County of Morris and State of New Jersey, held on the 12th day of January, 2012, introduced and read by title 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 the 9th day of February, 2012, at 8:30 o'clock in the evening prevailing time, at the Municipal Building, 1000 Route 10, Whippany, in said Township of Hanover, 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.

JOSEPH A. GIORGIO, TOWNSHIP CLERK
TOWNSHIP OF HANOVER
COUNTY OF MORRIS
STATE OF NEW JERSEY

DATED: January 19, 2012