

## ORDINANCE NO. 7-13

### AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING THE ACQUISITION BY PURCHASE OR EMINENT DOMAIN IF NECESSARY, OF THE REAL PROPERTY KNOWN AS BLOCK 5801, LOT 2 AND BLOCK 5801, LOT 5 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF HANOVER FOR THE IMPROVEMENT OF THE INTERSECTION OF WHIPPANY ROAD AND PARSIPPANY ROAD

**WHEREAS**, pursuant to N.J.S.A. 40:48-2, the Township of Hanover (“Township”) is authorized to adopt an Ordinance for the preservation of public health, safety and welfare; and

**WHEREAS**, pursuant to N.J.S.A. 40A:12-1 et seq., the Township has the power to acquire real property for a public purpose through negotiated agreement or by the exercise of its powers of eminent domain; and

**WHEREAS**, the intersection of Parsippany Road and Whippany Road currently experiences traffic congestion during peak travel periods and future traffic volumes are expected to increase due to general growth in traffic volumes and traffic volumes from future developments in the immediate vicinity, thus worsening the congestion; and

**WHEREAS**, the intersection of Whippany Road and Parsippany Road has been determined by the Township to be in need of improvement as evidenced in the study commissioned by the Township which is entitled “67 Whippany Road Redevelopment Traffic Capacity Analysis Report”, prepared by the RBA Group, Inc., dated September 30, 2012; and

**WHEREAS**, the Township believes it is in the public interest to reduce traffic congestion and improve the existing and future flow of traffic in the vicinity of and at the intersection of Whippany Road and Parsippany Road to accommodate the current and anticipated future growth of traffic along this critical highway; and

**WHEREAS**, the Township Planning Board’s Amendment to Land Use Plan Element and Circulation Plan Element to the Master Plan adopted October 23, 2012 included the recommendation to improve the intersection of Parsippany Road and Whippany Road in a manner consistent with the intersection improvements the Township has deemed necessary to undertake; and

**WHEREAS**, the Township has determined that in order to make the necessary improvements to the intersection of Whippany Road and Parsippany Road the Township Planner and Township Engineer recommend that it is necessary for the benefit, health, welfare and safety of the public to acquire fee simple title to the properties known as Block 5801, Lot 2 and Block 5801, Lot 5 on the Township’s Official Tax Map; and

**WHEREAS**, the Township Committee of the Township has determined that, since the contemplated improvements to the intersection of Whippany Road and Parsippany Road will improve the traffic flow throughout the Township and the acquisition of the properties known as Block 5801, Lot 2 and Block 5801, Lot 5 on the Township's Official Tax Map will serve a public purpose and be to the benefit of the health, welfare and safety of the Township's citizens.

**NOW, THEREFORE BE IT ORDAINED**, by the Township Committee of the Township of Hanover, County of Morris, State of New Jersey that:

**SECTION 1.** The Township of Hanover be and is hereby authorized to acquire, by negotiation, contract of purchase or, if necessary, by the exercise of its power of eminent domain pursuant to N.J.S.A. 20:3-1 et seq., certain lands and/or any and all interests in such lands designated as Block 5801, Lot 2 and Block 5801, Lot 5 on the Official Tax Map of the Township of Hanover, County of Morris, State of New Jersey (collectively, the "Properties"), for the purposes described hereinabove and take such other actions necessary to take title and possession of the Properties; and

**SECTION 2.** The Township Attorney, any special counsel retained by the Township and the Township Business Administrator are hereby authorized to hire and employ such appraisers, consultants and experts as may be appropriate to effectuate such acquisitions, whether by negotiation or eminent domain proceedings, and to pay said consultants and experts a reasonable fee for their services; and

**SECTION 3.** The amount to be offered by the Township of Hanover to the record owners of the Properties pursuant to N.J.S.A. 20:3-6 shall be fixed by further resolution of the Township upon receipt and approval of an appraisal reports prepared on behalf of the Township by a qualified licensed real estate appraiser; and

**SECTION 4.** The Township Attorney, any special counsel retained by the Township and the Township Business Administrator are hereby authorized to take any and all actions necessary to acquire the Properties and/or any interests thereto, either through negotiation or, if necessary, the exercise of the Township's powers of eminent domain; and

**SECTION 5.** The Mayor and Township Administrator are hereby authorized to execute and witness any documents or instruments necessary to acquire the Properties and/or any interests thereto; and

**SECTION 6.** The Township Administrator is hereby authorized to take all actions necessary to coordinate the Township's road improvements to the intersection of Whippany Road and Parsippany Road with the County of Morris; and

**SECTION 7.** If any word, phrase, clause, section or provision of this ordinance shall be adjudged by any Court or competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause, section, or provision shall be severable from the balance of this Ordinance and the remainder of this Ordinance shall remain in full force and effect; and

**SECTION 8.** If any ordinances or parts thereof are in conflict with the provisions of this Ordinance, such ordinances or parts thereof are hereby repealed to the extent of such conflict; and

**SECTION 9.** All ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency.

**SECTION 10.** This ordinance shall take effect immediately upon final passage and publication as required by law.

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

ATTEST:

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Ronald F. Francioli, Mayor

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Joseph A. Giorgio, Township Clerk

DATE OF INTRODUCTION: January 31, 2013

DATE OF ADOPTION: February 14, 2013

## **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 31<sup>st</sup> day of January, 2013, 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 14<sup>th</sup> day of February, 2013, 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: February 7, 2013