

ORDINANCE NO. 42-14

AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF HANOVER AUTHORIZING THE ACQUISITION BY PURCHASE OR EMINENT DOMAIN IF NECESSARY, OF A TEMPORARY CONSTRUCTION EASEMENT AND PERMANENT EASEMENT IN THE REAL PROPERTY KNOWN AS BLOCK 5801, LOT 4 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 by 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 Intersection Improvements require the Township to modify the access to the property located at 49 Whippany Rd, Whippany, NJ 07981 which property is designated as Block 5801, Lot 3 on the Township of Hanover, County of Morris, State of New Jersey tax map, by modifying Block 5801, Lot 3 access by eliminating its direct access to Whippany Road and replacing same with a new driveway exiting onto an existing easement held Block 5801, Lot 3 has over the adjacent Block 5801, Lot 4 (the “Property”) on the Township of Hanover, County of Morris, State of New Jersey tax map;

WHEREAS, based on the recommendations of the Township Planner and Township Engineer, the Township has determined that in order to make the necessary improvements to the intersection of Whippany Road and Parsippany Road that are necessary for the benefit, health, welfare and safety of the public, and implement the modification of access for Block 5801, Lot 3, a temporary construction easement and permanent easement in the Property are required; 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 a temporary construction easement and permanent easement in the Property will serve a public purpose and be to the benefit of the health, welfare and safety of the Township's citizens; and

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., a temporary construction easement and permanent easement in certain lands and/or any and all other interests in the Property for the purposes described hereinabove and take such other actions necessary to take the necessary title and possession of the temporary construction easement and permanent easement in the Property; 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 acquisition, 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 owner of the Property 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 report 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 temporary construction easement and permanent easement in the Property and/or any other 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 temporary construction easement and permanent easement in the Property and/or any other 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 of 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

DATE OF INTRODUCTION: October 23, 2014
DATE OF ADOPTION: November 13, 2014

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 23rd day of October, 2014, introduced and ready 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 13rd day of November, 2014, at 8:30 o'clock in the evening prevailing time, at the Municipal Building, 1000 Route 10 in 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: October 30, 2014