

**ORDINANCE NO. 27-2014**

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF HANOVER AUTHORIZING THE ACQUISITION OF A  
TEMPORARY CONSTRUCTION EASEMENT (NOT TO EXCEED 150 SQUARE  
FEET) BY PURCHASE OR EMINENT DOMAIN IF NECESSARY, WITH RESPECT TO  
REAL PROPERTY KNOWN AS BLOCK 4301, LOT 3 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. 40A12-1, 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 Parsippany Road and Whippany 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 Parsippany Road and Whippany Road to accommodate the current and anticipated future growth of traffic along this critical highway; and

**WHEREAS**, the Township's 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 Parsippany Road and Whippany Road it is necessary to acquire fee simple title of a temporary construction easement (not to exceed 150 square feet) with respect to the property known as Block 4301, Lot 3 on the Township's Official Tax Map; and

**WHEREAS**, the Township Council of the Township has determined that, since the contemplated improvements to the intersection of Parsippany Road and Whippany Road will improve the traffic flow throughout the Township, the acquisition of a portion of Block 4301, Lot 3 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 in the County of Morris and State of New Jersey as follows:

**SECTION 1.** The Township of Hanover be and is hereby authorized to acquire, by negotiation and/or by the exercise of its power of eminent domain pursuant to N.J.S.A. 20:3-1, et seq., a temporary construction easement (not to exceed 150 square feet) with respect to the property known as Block 4301, lot 3 on the Official Tax Map of the Township of Hanover, County of Morris, State of New Jersey for the purposes described hereinabove and take such other actions necessary to take title and possession of the Properties.

**SECTION 2.** A full description of the property is attached hereto and shall be on file with the Township Clerk's Office.

**SECTION 3.** The Township Attorney, and 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.

**SECTION 4.** The amount to be offered by the Township of Hanover to the record owners of the property pursuant to N.J.S.A. 30:3-6 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.

**SECTION 5.** 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 property and/or any interests thereto, either through negotiation or the exercise of the Township's powers of eminent domain.

**SECTION 6.** The Mayor and Township Business Administrator are hereby authorized to execute and witness any documents or instruments necessary to acquire the property and/or any interests thereto.

**SECTION 7.** The Township Business Administrator is hereby authorized to take all actions necessary to coordinate the Township's road improvements to the intersection of Parsippany Road and Whippany Road with the County of Morris.

**SECTION 8.** 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.

**SECTION 9.** 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.

**SECTION 10.** This Ordinance shall take effect in accordance with law.

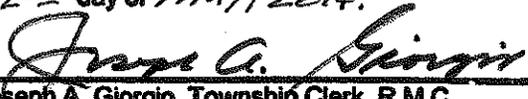
TOWNSHIP COMMITTEE  
TOWNSHIP OF HANOVER  
COUNTY OF MORRIS  
STATE OF NEW JERSEY

ATTEST:

  
\_\_\_\_\_  
John L. Ferramosca, Deputy Mayor

  
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Joseph A. Giorgio, Township Clerk

I hereby certify the foregoing to be a true copy of a Resolution/Ordinance adopted by the Township Committee of the Township of Hanover at a Regular/Special Meeting held on the 22<sup>ND</sup> day of May, 2014.

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

DATE OF INTRODUCTION: May 8, 2014  
DATE OF ADOPTION: May 22, 2014