

**ORDINANCE 2018-21**

**AN ORDINANCE OF THE TOWNSHIP OF CHATHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY SPECIFYING THE OPEN SPACE PURPOSES FOR WHICH BLOCK 62, LOTS 93 AND 94 AS SHOWN ON THE TOWNSHIP TAX MAP ARE DEDICATED**

**WHEREAS**, on September 28, 2017, the Township Committee of the Township of Chatham, in the County of Morris, State of New Jersey, adopted Ordinance 2017-12, a Bond Ordinance titled “BOND ORDINANCE TO AUTHORIZE THE ACQUISITION OF REAL PROPERTY FOR OPEN SPACE PURPOSES IN, BY AND FOR THE TOWNSHIP OF CHATHAM, IN THE COUNTY OF MORRIS, STATE OF NEW JERSEY, TO APPROPRIATE THE SUM OF \$2,000,000 TO PAY THE COST THEREOF, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS” (“Bond Ordinance”); and

**WHEREAS**, Ordinance 2017-12 authorized the acquisition of Block 62, Lots 93 and 94 for Township open space purposes (“Property”); and

**WHEREAS**, the Township acquired the Property by deed dated December 21, 2017 and recorded on January 26, 2018 in Morris County Deed Book 23286, Page 1191 under File #2018005727 (“Property Deed”); and

**WHEREAS**, the Bond Ordinance authorized the issuance of bonds based on general Township revenue, not revenue derived from the Township’s open space tax or other funds restricted for open space purposes; and

**WHEREAS**, the Property Deed does not contain restrictions limiting the future use of the Property to open space purposes; and

**WHEREAS**, it is the Township’s intention to seek reimbursement from the State of New Jersey, Department of Environmental Protection, Green Acres Program (“Green Acres”), for a portion of the purchase price of the Property; and

**WHEREAS**, prior to the adoption of Ordinance 2017-12, the Township was also in discussions with Green Acres about the need to provide compensation, in the form of replacement land, for past diversions of parkland at Colony Pool and Esternay Field (“the Outstanding Diversions”); and

**WHEREAS**, in advance of seeking reimbursement for the purchase of the Property from Green Acres, the Township Committee desires to clarify that at the time of acquisition of the Property, it intended that a portion of the Property be available as potential replacement property for the Outstanding Diversions, as allowed by *N.J.A.C. 7:36-26.10(d)2ii(3)*; and

**WHEREAS**, the Township wishes to memorialize that it will not seek Green Acres reimbursement for an undivided portion of the Property consisting of approximately 0.86 acres (“the Replacement Property”), or such other amount of replacement land as may be required by the DEP Commissioner and the State House Commission, in order to preserve the eligibility of the Replacement Property as compensation for the Outstanding Diversions; and

**WHEREAS**, the undivided remainder of the Property will be utilized for general open space purposes; and

**WHEREAS**, if accepted by the DEP Commissioner and the State House Commission, the Replacement Property will be utilized for general open space purposes.

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Committee of the Township of Chatham, County of Morris, State of New Jersey, as follows:

Section 1. The purpose of this Ordinance is to specify the open space purposes for which the Property may be dedicated.

Section 2. An undivided portion of the Property consisting of approximately 0.86 acres, or such other amount as may be required by the DEP Commissioner and the State House Commission with the consent of the Township, is designated as Replacement Property to serve as compensation associated with past diversions of parkland at Colony Pool and Esternay Field and will be designated for general open space purposes upon approval of the Township's diversion application, with the undivided remainder of the Property also utilized for general open space purposes, all in accordance with Chatham Township Green Acres Project #1405-98-003-12.

Section 3. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

Section 4. All ordinances or parts of ordinances inconsistent with or in conflict with this Ordinance are hereby repealed to the extent of such inconsistency.

Section 5. This Ordinance shall take effect in accordance with law.

Introduced: October 25, 2018  
Amended: November 8, 2018

TOWNSHIP OF CHATHAM, COUNTY OF  
MORRIS, STATE OF NEW JERSEY

Adopted: November 8, 2018

Attest:

BY: \_\_\_\_\_  
Karen M. Swartz, Deputy Mayor

\_\_\_\_\_  
Gregory J. LaConte, Clerk

I, Gregory J. LaConte, Township Clerk of the Township of Chatham in the County of Morris, New Jersey, hereby certify the foregoing to be a true complete copy of an ordinance adopted by the Township Committee of the Township of Chatham at a regular meeting held on November 8, 2018.

Date Issued: \_\_\_\_\_

\_\_\_\_\_  
Township Clerk