

Ordinance #2018-_ 1198

**AN ORDINANCE AUTHORIZING THE BOROUGH OF MANVILLE
TO ENTER INTO
A RIGHT OF ENTRY AGREEMENT AND
A MANAGEMENT & USE AGREEMENT
IN REGARD TO CERTAIN REAL PROPERTY
ADJACENT TO THE MILLSTONE RIVER**

BE IT ORDAINED by the Mayor and Council of the Borough of Manville, in the County of Somerset and State of New Jersey, as follows:

WHEREAS, the County of Somerset is the owner of real property located in the Borough of Manville, Somerset County, New Jersey, known and designated as Lot 1.01 in Block 276.01, Lot 43 in Block 291, Lot 28 in Block 302 and Lot 16.01 in Block 303 on the tax map of the Borough of Manville ("Property"); and

WHEREAS, the Property, consisting of approximately 36 acres of land adjacent to the Millstone River, was purchased by the County with funds from the Somerset County Open Space and Farmland Preservation Trust Fund authorized and established pursuant to N.J.S.A.40:12-16 as a part of the Somerset County Open Space Master Plan; and

WHEREAS, the property is currently vacant open and wooded land with approximately 4,000 linear feet of frontage on the Millstone River under the stewardship of the Somerset County Park Commission ("Commission"); and

WHEREAS, the Borough of Manville has requested the right to enter upon the Premises for the purpose of development, management and maintenance of the Premises; and

WHEREAS, the County of Somerset has consented to same on the conditions set forth in the attached agreements; and

WHEREAS, the Mayor & Council of the Borough of Manville have determined that entering into the attached agreements is in the best interests of the Borough of Manville;

NOW, THEREFORE BE IT ORDAINED that:

1. The Mayor, Borough Administrator, and Borough Clerk, in consultation with the Borough Attorney and Borough Engineer as needed, are hereby authorized to sign and enter into the attached Right of Entry Agreement and the attached Management & Use Agreement on behalf of the Borough of Manville.

3. Severability: In the event that any provision of this ordinance, or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this ordinance which may be given effect, and, to realize this intent, the provisions and applications of this ordinance are declared to be severable.

4. Inconsistency with other Ordinances: Should any provision of this ordinance be inconsistent with the provisions of any other prior ordinances, the inconsistent provisions of such other prior ordinances are hereby repealed, but only to the extent of such inconsistencies.

5. Effective Date: This ordinance shall be effective after final approval and publication in accordance with law.

Borough of Manville,

A handwritten signature in cursive script that reads "Richard M. Onderko".

Richard M. Onderko, Mayor

ORDINANCE #201 8-1198

FIRST READING:

ROLL CALL

| Introduced | Seconded | Council | Yes | No | Abstain | Absent |
|------------|----------|----------------------|-----|----|---------|--------|
| X | | SZABO | X | | | |
| | | LUKAC | X | | | |
| | | MAGNANI | X | | | |
| | X | PETROCK | X | | | |
| | | PETRONE | X | | | |
| | | SKIRKANISH | X | | | |
| | | | | | | |
| | | MAYOR ONDERKO | | | | |

ADOPTED this 12th day of February, 2018



Attest: Pamela Borek, Borough Clerk

SECOND READING:

ROLL CALL

| Introduced | Seconded | Council | Yes | No | Abstain | Absent |
|------------|----------|----------------------|-----|----|---------|--------|
| X | | SZABO | X | | | |
| | | LUKAC | X | | | |
| | | MAGNANI | X | | | |
| | X | PETROCK | X | | | |
| | | PETRONE | X | | | |
| | | SKIRKANISH | X | | | |
| | | | | | | |
| | | MAYOR ONDERKO | | | | |

ADOPTED this 26TH day of FEBRUARY, 2018.



Attest: Pamela Borek, Borough Clerk