

**TOWNSHIP OF PARSIPPANY-TROY HILLS
MORRIS COUNTY, NEW JERSEY
ORDINANCE NO. 2017:01**

AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PARSIPPANY-TROY HILLS IN THE COUNTY OF MORRIS, NEW JERSEY, AMENDING ORDINANCE NO. 2016:02 AUTHORIZING THE ACQUISITION BY PURCHASE OF PROPERTIES LOCATED IN THE TOWNSHIP THROUGH THE FEMA HAZARD MITIGATION GRANT PROGRAM AND MORRIS COUNTY FLOOD MITIGATION PROGRAM

WHEREAS, pursuant to N.J.S.A. 40A:12-5, the Township of Parsippany-Troy Hills (“Township”) has the power to acquire any real property for a public purpose through negotiated agreement; and

WHEREAS, the Township has executed a grant agreement with the State of New Jersey, Office of Emergency Management for disaster relief funds under the Federal Emergency Management Agency (FEMA) Hazard Mitigation Grant Program (Grant No. HMGP-4021-NJ-0014) and the Morris County Flood Mitigation Program to acquire certain properties substantially damaged as the result of Tropical Storm Irene; and

WHEREAS, the Township has received preliminary approval for grant funding through the Morris County Flood Mitigation Program to supplement the funding provided through FEMA Grant No. HMGP-4021-NJ-0014; and

WHEREAS, pursuant to Ordinance 2016:02, the Township Council authorized the purchase of properties to be acquired under FEMA Grant No. HMGP-4021-NJ-0014 and the Morris County Flood Mitigation Program, which includes property identified as Block 526, Lot 10 on the official Township Tax Map and located at 19 Mohican Place (the “Property”); and

WHEREAS, since the adoption of Ordinance 2016:02, FEMA has made a determination that the Property did not suffer substantial damage and, therefore does not qualify for the Federal Hazard Mitigation Grant Program; and

WHEREAS, the owner of the Property has agreed to sell said Property to the Township for a negotiated price of Two Hundred Ten Thousand Dollars (\$210,000.00); and

WHEREAS, the County Flood Mitigation Program has agreed to fund seventy-five percent (75%) of the acquisition of the Property, in the amount of One Hundred Fifty Seven Thousand, Five Hundred Dollars (\$157,500.00); and

WHEREAS, at its meeting on November 30, 2016, the Township Open Space Committee voted to recommend, in light of FEMA’s determination that the Property did not suffer substantial damage, that the Township Council authorize the expenditure of Township Open Space Funds in the amount of Fifty Two Thousand, Five Hundred Dollars (\$52,500.00) to fund the remaining twenty-five percent (25%) of the acquisition of the Property.

NOW, THEREFORE BE IT ORDAINED, by the Township Council of the Township of Parsippany-Troy Hills, County of Morris and State of New Jersey that:

1. The above recitals are hereby incorporated into the body of this Ordinance as if set forth at length herein.
2. The acquisition by negotiated purchase of a fee simple interest in the Property as defined herein above is hereby re-authorized.
3. The acquisition by negotiated purchase of a fee simple interest in the Property shall be funded, in the first instance, by the Morris County Flood Mitigation Program, and that any portion of the purchase price not covered by the Morris County Flood Mitigation Program shall be paid by the Township utilizing Township Open Space Funds in an amount not to exceed Fifty Two Thousand, Five Hundred Dollars (\$52,500.00).
4. The Township Attorney and the Business Administrator are hereby authorized to take all actions necessary to acquire the Property through negotiated purchase.
5. The Mayor and Township Clerk are hereby authorized to execute and witness, respectively, any documents necessary to effectuate the purchase of the Property subject to the above terms.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinance or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict only; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.