

**SUSSEX BOROUGH  
ORDINANCE NO. 2019-15**

**AN ORDINANCE OF THE BOROUGH OF SUSSEX, COUNTY OF SUSSEX, NEW JERSEY TO AUTHORIZE THE ACQUISITION OF FEE SIMPLE TITLE IN AND TO BLOCK 206, LOTS 2, 3, 4 AND 6, SUSSEX BOROUGH, FOR PARKING ONLY, IN ACCORDANCE WITH N.J.S.A 40A:12-1, ET SEQ.**

**WHEREAS**, N.J.S.A. 40A:12-4 and 40A:12-5 authorize a municipality to acquire real property or any interest therein including easements;

**WHEREAS**, the Borough of Sussex is in need of additional land to provide parking for the public and will particularly benefit by the acquisition of Block 201, Lots 2, 3, 4 and 6, Sussex Borough, also known as Parcels VX 59, VX60, VX61 and VX62 as indicated on map entitled “New Jersey Department of Transportation, General Property Parcel Map, Route 23 (1953) Section 8, Vernon Avenue to Mill Street, Showing Existing Right of Way and Parcels to be Acquired in the Boroughs of Sussex and Hamburg and Townships of Wantage and Hardyston, County of Sussex, November 2006” (herein referred to as the Property) for this purpose; and the New Jersey Department of Transportation (NJDOT), the owner of the Property, is willing to convey fee simple title to the Property to the Borough for consideration of \$1.00 to be paid by the Borough of Sussex subject to the requirement that the Property must be used for public use, specifically parking only, and that the Property shall automatically revert to the NJDOT if the Property or any part thereof is not so used; and subject to other requirements and terms as set forth in a form of Agreement presented to the Borough by the NJDOT; and

**WHEREAS** the Governing Body believes that the acquisition of the aforesaid Property is in the best interest of the municipality;

**BE IT ORDAINED** by the Governing Body of the Borough of Sussex, Sussex County, New Jersey, as follows:

**Section 1:** The Governing Body hereby authorizes the acquisition of fee simple title in and to Block 201, Lots 2, 3, 4 and 6, Sussex Borough, to be used for public use, specifically for parking, and subject to automatic reversion for failure to comply with said restriction, and subject to other requirements and terms, for consideration of \$1.00 to be paid by the Borough of Sussex.

**Section 2:** The Mayor and Clerk/Administrator are hereby authorized to execute any and all documents necessary for the acquisition of fee simple title to the Property which is the subject matter of this ordinance.

**Section 3:** All ordinances and parts of ordinances inconsistent herewith are hereby repealed. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

**Section 4:** A certified copy of this ordinance shall be forwarded to New Jersey Department of Transportation, the owner of Block 201, Lots 2, 3, 4 and 6, Sussex Borough.

**Section 5:** This ordinance shall take effect immediately on its final passage and publication as required by law.

**NOTICE**

NOTICE IS HEREBY GIVEN that the attached Ordinance #2019-15 was introduced at a regular meeting of the Mayor and Council of the Borough of Sussex, Sussex County, New Jersey, held on the 7<sup>th</sup> day of November, 2019, and passed on first reading, and that such Ordinance will be further considered for final passage and adoption at the regular meeting of the Mayor and Council to be held on the 19<sup>th</sup> day of November, 2019, at Borough Hall, 2 Main Street, in the Borough of Sussex, at 7:00 p.m., and that at such time and place all persons interested be given an opportunity to be heard concerning said Ordinance.

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Antoinette Smith, Borough Clerk

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Katherine Little, Mayor

Introduced: November 7, 2019  
Adopted: November 19, 2019