

**BOROUGH OF NEW PROVIDENCE  
ORDINANCE NO. 2016-14**

**AN ORDINANCE OF THE BOROUGH OF NEW PROVIDENCE,  
COUNTY OF UNION, STATE OF NEW JERSEY  
AUTHORIZING THE EXCHANGE OF PROPERTY  
PURSUANT TO N.J.S.A. 40A:12-16.**

WHEREAS, the Borough of New Providence, County of Union, State of New Jersey, is owner of property known as Lot 13, Block 171 (hereinafter "Borough Property"); and

WHEREAS, 75 South Street Associates, LLC, now known as XADH, LLC is the owner of property known as Lot 25, Block 171 (hereinafter, the "XADH Property"); and

WHEREAS, XADH has proposed to swap a portion of its property for a portion of the Borough Property, such properties attached as Exhibits A and B, respectively; and

WHEREAS, the Borough Council has determined that the portion of Borough Property is unimproved and is surplus property which is not needed for public use; and

WHEREAS, such land swap would be advantageous to the Borough as the parcel to be acquired will be of benefit to complete a river walk project; and

WHEREAS, the Borough has authorized the Borough Tax Assessor to value the portions of the properties, and has been advised that they are of equal value;

WHEREAS, XADH has agreed to an exchange of property;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of New Providence, County of Union, State of New Jersey, as follows:

1. The Mayor and Council declare the Borough Property to be surplus and not needed for public use;
2. The Mayor, Borough Clerk and Borough Attorney, and such other Borough officials as the law provides, are hereby authorized to prepare and execute a contract and such other documents as may be required to subdivide and then close and transfer title to the Borough Property and to obtain title to the XADH Property;
3. All properties shall be sold and exchanged free of any existing encumbrances, liens, easements or other restrictions, such facts as an accurate survey may reveal;

4. If any article, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, and it shall remain in full force and effect; and

5. In the event of any inconsistencies between the provisions of this Ordinance and any other Ordinance of the Borough of New Providence, the provisions hereof shall be determined to govern. All other parts, portions and provisions of the Revised General Ordinances of the Borough of New Providence are hereby ratified and confirmed, except where inconsistent with the terms hereof.

This Ordinance shall take effect upon final passage and publication in accordance with New Jersey law.

INTRODUCTION: September 26, 2016  
PUBLIC HEARING: October 10, 2016  
ADOPTION: October 10, 2016

Record of Council Vote

	AYE	NAY	ABSENT	NOT VOTING
GALLUCCIO	X			
GENNARO	X			
KAPNER	X			
MADDEN	X			
MUÑOZ	X			
ROBINSON	X			
MORGAN			TO BREAK COUNCIL TIE VOTE	

BOROUGH OF NEW PROVIDENCE  
 COUNTY OF UNION  
 STATE OF NEW JERSEY

\_\_\_\_\_  
 Allen Morgan, Mayor

Attest:

\_\_\_\_\_  
 Wendi B. Barry, Borough Clerk

## EXHIBIT A

### DESCRIPTION OF PROPERTY

### PORTION OF LOT 13, BLOCK 171

All that certain lot, tract or parcel of land situate, lying and being in the Borough of New Providence, the County of Union, and State of New Jersey, and known as part of Lot 13, Block 171, as shown on Sheet No. 17 of the Borough of New Providence Tax Maps, and being more particularly bounded and described as follows to wit:

**BEGINNING** at a point where the westerly line of South Street (66 foot wide Right of Way) is intersected by the line dividing Lot 13 (lands now or formerly of the Borough of New Providence as described in Deed Book 3053, Page 484) and Lot 25 (lands now or formerly of 75 South Street Associates NP, LLP as described in Deed Book 6064, Page 708), Block 171, and from Beginning Point running thence:

1. **N 89° 30' 00" W, 131.13 feet** along said dividing line to a point; thence
2. **S 00° 30' 00" W, 98.52 feet** continuing along same to a point; thence
3. Along a curve to the right through Lot 13, Block 171, having a radius of **817.98 feet**, a central angle of **10° 21' 25"**, a length of **147.86 feet** and a chord bearing **N 38° 00' 55" W, 147.66 feet** to a point (said course running along a Drainage Easement to the Borough of New Providence as described in Deed Book 2702, Page 71); thence
4. **S 89° 30' 00" E, 221.97 feet** continuing through Lot 13 and along the line dividing Lot 13 and Lot 24 (lands now or formerly of Seyfo Hawi Realty LC as described in Deed Book 6090, Page 886) to a point; thence
5. **S 03° 14' 00" E, 17.05 feet** along the aforementioned westerly line of South Street to the Point and Place of **BEGINNING**.

**CONTAINING:** 7,862 square feet or 0.180 acres.

EXHIBIT B

DESCRIPTION OF PROPERTY

PORTION OF LOT 25, BLOCK 171

All that certain lot, tract or parcel of land situate, lying and being in the Borough of New Providence, the County of Union, and State of New Jersey, and known as part of Lot 25, Block 171, as shown on Sheet No. 17 of the Borough of New Providence Tax Maps, and being more particularly bounded and described as follows to wit:

**BEGINNING** at a point where the westerly line of South Street (66 foot wide Right of Way) is intersected by the line dividing Lot 25 (lands now or formerly of 75 South Street Associates NP, LLP as described in Deed Book 6064, Page 708) and Lot 26 (lands now or formerly of Our Lady of Peace Church as described in Deed Book 2306, Page 223), Block 171, and from Beginning Point running thence:

1. **N 89° 30' 01" W, 146.18 feet** along said dividing line to a point; thence
2. **N 00° 30' 00" E, 132.11 feet** along the line dividing Lot 25 and Lot 13 (lands now or formerly of the Borough of New Providence as described in Deed Book 6064, Page 708), Block 171, to a point; thence
3. Along a curve to the left through Lot 25, Block 171, having a radius of **817.98 feet**, a central angle of **13° 15' 52"**, a length of **189.37 feet** and a chord bearing **S 49° 49' 34" E, 188.95 feet** to a point (said course running along a Drainage Easement to the Borough of New Providence as described in Deed Book 2702, Page 71); thence
4. **S 03° 14' 00" E, 11.51 feet** along the aforementioned westerly line of South Street to the Point and Place of **BEGINNING**.

**CONTAINING:** 9,756 square feet or 0.224 acres.