

ORDINANCE 2013-18

**AN ORDINANCE OF THE BOROUGH OF CHESTER,
MORRIS COUNTY, STATE OF NEW JERSEY, ACCEPTING
LANDS KNOWN AS “MILL RIDGE LANE” TO
BE DEDICATED FOR ROADWAY PURPOSES**

WHEREAS, municipalities are empowered to make, amend, repeal, and enforce its ordinances pursuant to Statute (*N.J.S.A.* 40:48-1, et seq.); and

WHEREAS, municipalities are required by Statute to follow specific procedures for the passage of ordinances (*N.J.S.A.* 40:49-2 et seq.); and

WHEREAS, Mill Ridge Group, Inc. (Kevin Wilk, principal), was the developer of a project known as Mill Ridge, in the Borough of Chester, County of Morris, State of New Jersey (hereinafter referred to as the “Project”); and

WHEREAS, Mill Ridge Group, Inc., received Planning Board Site Plan and Subdivision approval on February 7, 2006, to construct the Project including and all appurtenances thereon/thereto, including but not limited to the construction of a roadway known as “Mill Ridge Lane”; and

WHEREAS, Mill Ridge Group, Inc. in or about May 2007 abandoned the Project, leaving the Project and site improvements thereon incomplete, including completion of Mill Ridge Lane; and

WHEREAS, all right, title and interest to the lots adjacent to the Mill Ridge Lane were subsequently acquired by MGHC Group II, LLC (Lot 12.03 in Block 101), ARC RBCSTNJ001, LLC (Lot 12.04 and 12.05 in Block and MGHC Group, LLC Lot 12.06 in Block 101) (hereinafter collectively referred to as the “Owners”); and

WHEREAS, the Borough adopted a Resolution, dated August 7, 2012, whereby it agreed to accept the dedication of Mill Ridge Lane provided that the Owners deposit a sum of money into escrow to be used for the completion of the Mill Ridge Lane; and

WHEREAS, the Owners has made such escrow deposit and the outstanding improvements to Mill Ridge Lane have been completed; and

WHEREAS, the Mayor and Council of the Borough of Chester have determined that the it is in the best interests of the Borough to accept the dedication of Mill Ridge Lane; and

WHEREAS, the Borough of Chester believes it to be in the public interest to accept the dedication of portions said lots for roadway purposes in accordance with the resolution of subdivision approval adopted by the Chester Borough Planning Board; and

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

SECTION 1. The Mayor and Borough Clerk are hereby authorized to accept and execute the Deed of Dedication for the roadway known as Mill Ridge Lane, transferring portions of Lots 12.03, 12.04, 12.05 and 12.06 in Block 101 as shown on the tax maps of the Borough of Chester

and as more fully described and set forth in the attached legal descriptions to be dedicated to the Borough of Chester.

SECTION 2. The Owner shall convey all of its right, title and interest in the subject property to the Borough of Chester free and clear of encumbrances and restrictions.

SECTION 3. If any Chapter, Article, Section or Subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction such decisions shall not affect the remaining portions of this Ordinance.

SECTION 4. All ordinances or rules or regulations of the Borough of Chester, which are inconsistent with the provisions of this ordinance, are hereby repealed to the extent of such inconsistency.

SECTION 5. This ordinance shall take effect upon passage and publication according to law.

Dated: December _____, 2013

Robert L. Davis, Mayor

Attest:

Valerie A. Egan, Borough Clerk

LEGAL NOTICE OF PENDING ORDINANCE

Notice is hereby given that the Ordinance published herewith was introduced and passed upon first reading at a meeting of the Mayor and Council of the Borough of Chester, in the County of Morris, New Jersey, held on the _____ day of _____ 2013. It will be further considered for final passage after public hearing thereon, at a meeting of said Mayor and Council to be held in the Chester Borough Hall, 50 North Road, in said Borough, on _____, 2013 at 7:00 p.m., and during the week prior and up to and including the date of such meeting, copies of said Ordinance will be made available at the Clerk's office in said Borough Hall building to members of the general public who shall request the same.

Valerie A. Egan, Borough Clerk