

# ORDINANCE

O-2-2021

BOROUGH OF NORTH CALDWELL, ESSEX COUNTY, NEW JERSEY

## AN ORDINANCE TO DEDICATE FALCON POINT DRIVE

**WHEREAS**, the Governing Body of the Borough of North Caldwell may enact ordinances pertaining to public streets, thoroughfares and sidewalks located within the Borough; and

**WHEREAS**, N.J.S.A. 40A:12-3 authorizes a municipality to acquire real property; and

**WHEREAS**, N.J.S.A. 40A:12-5 requires that the acquisition of real property by municipalities be accomplished by ordinance; and

**WHEREAS**, the Borough is authorized pursuant to N.J.S.A. 40:67-1 et seq. and N.J.S.A. 40A:12-5 to establish or accept any street dedicated to public use by ordinance; and

**WHEREAS**, Falcon Custom Homes, LLC, ("Grantor") is the owner of real property located in the Borough of North Caldwell (Borough) near the intersection of Mountain Avenue and Oak Place, which is under the jurisdiction of the Township, which is under the jurisdiction of the County of Essex (County); and

**WHEREAS**, Grantor has transferred ownership of the property described as Falcon Point Drive to the Borough of North Caldwell, which parcel is more particularly described by the metes and bounds description of the property to be dedicated (Exhibit A), and depicted on the Deed of Dedication for Roadway Right of Way (Exhibit B) attached to this ordinance; and

**WHEREAS**, it has been determined by the Borough Engineer that it is advantageous for the Borough to accept the deed of dedication in order for the property lines and the path of the contiguous roadway to be consistent with the North Caldwell Master Plan and with the requirements of the relevant Planning Board Resolution dated March 10, 2009; and

**WHEREAS**, it has been determined by the governing body that accepting this deed of dedication and thereby acquiring fee simple interest in the subject real property would be in the best interest of the Borough.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Council of the Borough of North Caldwell, County of Essex, State of New Jersey as follows:

1. The Borough is hereby authorized to acquire from Falcon Custom Homes, LLC, the real property hereinbefore described in Exhibit A, which property is more specifically described in the attached deed of dedication as Exhibit B.
2. After all requirements respecting the enactment of this ordinance have been fulfilled the deed of dedication shall be recorded in the Office of the Essex County Clerk.
3. Having passed a first reading, this Ordinance shall be published in the manner required by N.J.S.A. 40:49-6, at

least once not less than ten (10) days prior to the time fixed for further consideration for final passage.

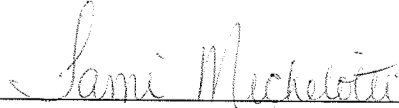
4. Pursuant to N.J.S.A. 40:49-6, at least one week prior to the time fixed for final passage, a copy of the Ordinance, together with notice of the introduction, including time and place fixed for final passage shall be mailed to every person whose land may be affected by the Ordinance.
5. The Borough Clerk shall, within sixty (60) days after the Ordinance become effective, file a certified copy thereof, under the seal of the Borough of North Caldwell, together with a copy of the proof of publication thereof, in the Office of the Clerk of Essex County, pursuant to N.J.S.A. 40:67-21.
6. The Mayor and Township Clerk are hereby authorized to execute any and all instruments and to do all things necessary to effectuate the purposes hereof.
7. All Ordinances, resolutions and regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed as to the extent of such inconsistency.
8. If any section, paragraph, article, subdivision, clause of provision of this Ordinance shall be judged invalid, such adjudication shall apply only to the section paragraph article subdivision clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.
9. This Ordinance shall take effect upon final passage and approval in accordance with law.
10. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
11. If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to that section, paragraph, subdivision, clause or provision so adjudged, and the remainder of this ordinance shall be deemed to be valid and effective.
12. This Ordinance shall take effect immediately upon passage and publication in accordance with law.

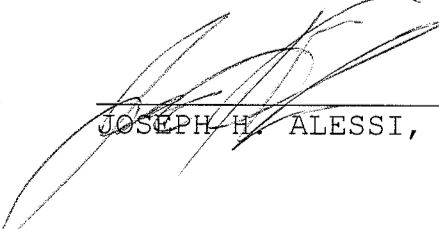
INTRODUCED: January 26, 2021  
 PUBLIC HEARING: February 23, 2021  
 APPROVED: February 23, 2021  
 MOVED BY: Councilman Atlas  
 SECONDED BY: Council President Astorino

COUNCIL MEMBER	YES	NO	ABSTAIN	ABSENT	COUNCIL MEMBER	YES	NO	ABSTAIN	ABSENT
ASTORINO	X				KESSLER	X			
ATLAS	X				REES	X			
FLORIA-CALLORI	X				TILTON	X			

ATTEST:

APPROVED:

  
 TAMI MICHELOTTI, BOROUGH CLERK

  
 JOSEPH H. ALESSI, MAYOR