

ORDINANCE NO. 09-03

**AN ORDINANCE OF THE TOWNSHIP OF LACEY,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AUTHORIZING THE EXCHANGE OF CERTAIN LANDS
WITH THE LACEY TOWNSHIP MUNICIPAL UTILITIES
AUTHORITY IN ACCORDANCE WITH THE PROVISIONS
OF N.J.S.A. 40A:12-16**

WHEREAS, the Lacey Township Municipal Utilities Authority has offered to exchange the real property known as Block 1002, Lot 1.12 for the real property known as Block 1588, Lots 16-20 owned by the Township of Lacey; and

WHEREAS, the governing body has made a determination that it would be in the best interest of the municipality to exchange the subject properties with the Lacey Township Municipal Utilities Authority; and

WHEREAS, the Tax Assessor has advised that the value of the property to be received by the Township does not exceed the value of the property being transferred by the Township; and

WHEREAS, the governing body has made a determination that the property being acquired is more advantageous to the municipality than the lands being exchanged therefor.

NOW, THEREFORE, BE IT ORDAINED, by the governing body of the Township of Lacey, County of Ocean, State of New Jersey, as follows:

SECTION 1. That the governing body has determined that it would be more advantageous to the municipality to own the property known as Block 1002, Lot 1.12, than to own the property known as Block 1588, Lots 16-20, being exchanged under this ordinance.

SECTION 2. That the governing body does hereby authorize the exchange of the subject properties in accordance with the provisions of N.J.S.A. 40A:12-16 and N.J.S.A. 40A:12-21(D).

SECTION 3. That the Mayor and Municipal Clerk are hereby authorized to execute any and all documents necessary to effectuate the exchange of said lands in accordance with the provisions of this ordinance. The deed from the Township to the Lacey Township Municipal Utilities Authority for Block 1588, Lots 16-20 shall contain a reverter clause.

SECTION 4. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 5. 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 6. This ordinance shall take effect after second reading and publication as required by law.

#14

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*draft and
prop for exchange
w/ Lacey*

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- * MEMBER NJ AND NY BAR
- o RULE 1:40 QUALIFIED MEDIATOR

January 16, 2009

PLEASE REFER TO:

Lacey Municipal Utilities
Authority-Lacey Township
Property Exchange
Our File No. GL-17976

RECEIVED

JAN 19 2009

GILMORE & MONAHAN

George R. Gilmore, Esquire
Gilmore & Monahan
10 Allen Street
P.O. Box 1540
Toms River, New Jersey 08754

Dear George:

I understand that the Township Committee and the Authority have tentatively agreed to a property exchange. The Township now owns a vacant parcel, Block 1588, Lots 16-20. We understand that this property is essentially landlocked but will be useful for the Authority in the construction of a new well. In exchange for that property the Township would like to acquire from the Authority a vacant lot in the Business Park, Block 1002, Lot 1.12. While to a third person the value of the lot owned by the Authority in the Business Park is worth more than the vacant lot owned by the Township, we believe for many reasons the properties are for all intents and purposes equal in value to each of the parties who will be acquiring the vacant parcel.

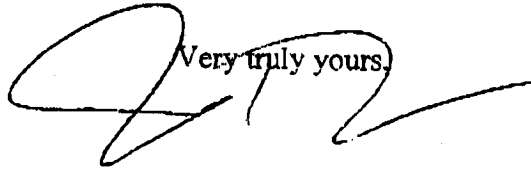
I understand that the Authority and the Township Committee have also entered into a tentative agreement whereby the Authority will lease from the Township additional ground space near its garage (Block 1837, Lot 4) in exchange for which the Authority will forgive any and all water and sewer bills which normally have been paid by the Township for the Municipal Building. I still need to obtain more information concerning the size of the expansion of the garage area which will be part of the lease. Upon receipt of that information I will provide it to you.

In the meantime I suggest that we consider adopting the appropriate ordinance (Township) and resolution (Authority) authorizing the exchange of the two properties. I also suggest that each of the proposed deeds contain the appropriate reverter clauses.

The Authority will adopt the resolution authorizing the exchange of properties at our February 4, 2009 meeting. Please advise the Township Committee, in particular, Committeeman Dyckoff (the liaison to the Authority).

George R. Gilmore, Esquire
Re: LMUA - Lacey Township
Property Exchange
January 16, 2009
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If you have any other questions in the meantime or we can be of additional assistance concerning this matter, please do not hesitate to contact our office.


Very truly yours,

JERRY J. DASTI

JJD/gj

cc: Edward Woolf, Executive Director
Alan B. Dittenhofer, P.E., P.P., C.M.E.

**DASTI, MURPHY, McGUCKIN, ULAKY,
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