

ORDINANCE NO. 2017-09

ORDINANCE AUTHORIZING THE TRANSFER AND ACCEPTANCE OF PROPERTY AND EXECUTION OF CERTAIN DOCUMENTS FROM SCHAEFFER LAND, LLC TO THE BOROUGH OF BERLIN, IDENTIFIED AS LOT “C” COMPRISED OF A PARCEL OF LAND AND BUILDING AS SET FORTH IN THE SETTLEMENT AGREEMENT AUTHORIZED BY RESOLUTION R6-17; 2017, BEING A PORTION OF BLOCK 1400, LOT 14, ON THE OFFICIAL TAX MAP OF THE BOROUGH OF BERLIN, COUNTY OF CAMDEN AND STATE OF NEW JERSEY

WHEREAS, Schaeffer Land LLC (“Schaeffer”) is the owner of property within the Borough of Berlin (“Borough”) which property is identified on the tax maps of the Borough as Block 1400 Lot 14, and has a mailing address of 11 Jackson Road and is approximately .81 acres in size (the “Property”); and

WHEREAS, Schaeffer submitted an application for minor subdivision of the Property to the Borough Planning Board (the “Board”), which application is currently pending before the Board (the “Subdivision Application”); and

WHEREAS, the Subdivision Application proposes the creation of three (3) lots, hereinafter referred to as Lot “A,” Lot “B,” and Lot “C,” as more accurately set forth on the map submitted in support of the Subdivision Application, which map is attached to the Settlement Agreement identified in Resolution R6-17;2017 adopted by Borough Council on June 15, 2017; and

WHEREAS, the Property currently contains an existing dwelling (the “Existing Dwelling”) which, on the Subdivision Application, appears on Lot B and an existing garage (the “Existing Garage”), which on the Subdivision Application, appears on Lot C; and

WHEREAS, in an effort to avoid the prospect of litigation the Parties began to discuss a reasonable solution to amicably the matter in the best resolve the interests of all Parties; and

WHEREAS, as a result of such settlement discussions, the Parties have reached an agreement relative to the Property; and

WHEREAS, because pursuant to N.J.S.A. 40A:12-3, only the Borough is statutorily authorized to acquire property, the Borough is the sole and appropriate party to this Agreement.

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


Section 1: The Mayor and Borough Clerk are hereby authorized to accept, for one (\$1.00) dollar and other good and value consideration, the sufficiency of which is acknowledged herein, a Deed from Schaeffer Land, LLC to the Borough of Berlin, in a form acceptable to the Solicitor of the Borough of Berlin and execute any and other documents necessary in order to effectuate the transfer of a portion of Block 1400, Lot 14, subject to terms and conditions set forth in a Settlement Agreement entered into between the parties and authorized on May 15, 2017, pursuant to Resolution R6-17; 2017.

Section 2: All other Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 3: If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.

Section 4: This Ordinance shall take effect immediately upon final passage and publication as required by law.

BOROUGH OF BERLIN



Mayor James Bilella

ATTEST:

Lois J. Sahina, RMC

Lois Sahina, RMC, Borough Clerk

I, Lois Sahina, Clerk of the Borough of Berlin, hereby certify the foregoing to be a true and correct copy of an Ordinance adopted by the Mayor and Borough Council at their meeting of July 13, 2017, in the Municipal Building, 59 South White Horse Pike, Berlin, New Jersey.

Lois J. Sahina, RMC

Lois Sahina, RMC, Borough Clerk

INTRODUCED: June 15, 2017

ADOPTED: July 13, 2017