

TOWNSHIP OF FAIRFIELD
ORDINANCE #2024-10

AN ORDINANCE OF THE TOWNSHIP OF FAIRFIELD, ESSEX COUNTY, NEW JERSEY AUTHORIZING THE TRANSFER OF FUNDED PARKLAND WITHIN THE TOWNSHIP OF FAIRFIELD TO FRIENDS OF THE VAN NESS HOUSE, INC., BLOCK 2406, LOT 3 (236 LITTLE FALLS ROAD, VAN NESS HOUSE)

WHEREAS, the Township of Fairfield is the owner in fee simple of Block 2406, Lot 3 as designated on the Tax Assessment Map of the Township of Fairfield, more commonly known as 236 Little Falls Road, Fairfield, New Jersey, said property being the site of the Van Ness House, a historic structure (the "Property"); and

WHEREAS, the Property is encumbered by the New Jersey Department of Environmental Protection's Green Acres Program ("Green Acres") as funded parkland having been acquired by the Township by way of Deed dated August 17, 1981; recorded in the Essex County Register's Office on August 20, 1981 in Deed Book 4276 at Page 613 (the "Van Ness Deed"), and added to the Township's Recreation and Open Space Inventory ("ROSI") in 2014; and

WHEREAS, the Van Ness House is listed on the New Jersey and National Registers of Historic Properties and a review under the NJ Register of Historic Places Act is required for the transfer of the Property because the Property will be owned by Friends of the Van Ness House, Inc., a local non-profit organization; and

WHEREAS, the Township now wishes to transfer this parkland to the Friends of the Van Ness House, Inc. as the Van Ness House requires extensive renovations and on-going, costly maintenance; and

WHEREAS, Friends of the Van Ness House, Inc. has agreed to accept this property and provide the necessary renovations and maintenance; and

WHEREAS, N.J.A.C. 7:36-25.5 provides that a local government unit may transfer funded or unfunded parkland to a local government unit, the State, the Federal government or a nonprofit, subject to the following:

- c. The proposed transferee must be eligible to receive Green Acres funding under N.J.A.C. 7:36-3.1 if the transferee is a local government unit;
- d. The deed, or other instrument by which the local government unit legally effects the transfer of the parkland to the transferee shall establish the following conditions of transfer:
 1. The transferred property shall continue to be used solely for recreation and conservation purposes and shall be reasonably accessible to the public to the same extent as or greater than prior to the transfer; and
 2. The Green Acres restrictions and any other applicable recreation and conservation restrictions on the parkland shall continue to apply; and

WHEREAS, N.J.S.A. 40A:12-13(b)(1) of the Local Lands and Buildings Law provides that a municipality may sell any real property not needed for public use at private sale, by ordinance, to any political subdivision, agency, department, commission, board or body corporate and politic of the State of New Jersey or to an interstate agency or body of which the State of New Jersey is a member or to the United States of America or any department or agency thereof; and

WHEREAS, N.J.S.A. 40A:12-21(f) of the Local Lands and Buildings Law further provides that a municipality may, by ordinance, authorize a private sale and conveyance of all or part of a tract of land, not needed for municipal purposes, to a duly incorporated nonprofit historical society for the acquisition of publicly owned historic sites for their restoration, preservation, improvement and utilization for the benefit of the general public and that if the land is not used in accordance with this limitation, title thereto shall revert to the municipality without any entry or reentry made thereon on behalf of the municipality; and

WHEREAS, it is now necessary to adopt an ordinance to effectuate this conveyance.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Township Council of the Township of Fairfield, County of Essex, State of New Jersey, as follows:

SECTION 1. The Township of Fairfield hereby authorizes the transfer of Block 2406 Lot 3, more commonly known as 236 Little Falls Road, to Friends of the Van Ness House, Inc. as set forth in the legal description as follows:

BEGINNING at a point of intersection of the southerly line of Fairfield Road (50 feet wide) and the easterly line of Van Ness Avenue running thence (1) South 25 degrees 21 minutes West 189.47 feet; thence (2) South 64 degrees 39 minutes East 200 feet to the westerly side of Dey Avenue; thence (3) North 25 degrees 21 minutes East 150 feet to the southerly side of Fairfield Road; thence (4) North 57 degrees 54 minutes West along the said side of Fairfield Road 74.08 feet to a point in said side of Fairfield Road; thence (5) Continuing along said southerly side of Fairfield Road North 50 degrees 58 minutes West 130.13 feet to the easterly side of Van Ness Avenue and the point or place of **BEGINNING**.

The foregoing description is in accordance with the Van Ness Deed referenced herein.

SUBJECT, HOWEVER, TO: All easements, recorded or unrecorded, affecting the herein described premises.

SUBJECT, HOWEVER, TO: The property shall continue to be used solely for recreation and conservation purposes and shall be reasonably accessible to the public to the same extent as or greater than prior to the transfer.


SUBJECT, HOWEVER, TO: The Green Acres restrictions and any other applicable recreation and conservation restrictions on the parkland shall continue to apply.

SECTION 2. Said conveyance shall be made "as is" for the sum of One Hundred Ten Thousand Dollars (\$110,000.00).


SECTION 3. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any remaining part thereof.

SECTION 4. All Ordinances or parts of Ordinances of the Township of Fairfield heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5. This Ordinance shall take effect immediately upon its final passage, approval and publication as provided by law.



William Galese, Mayor

ATTEST:


Denise D. Cafone, Municipal Clerk

NOTICE

"NOTICE is hereby given that the foregoing Ordinance was introduced and passed upon First Reading at a Meeting of the Mayor and Council of the Township of Fairfield on May 28, 2024 Said ordinance shall have a second Reading and Public Hearing and be considered for final adoption at a meeting of said Governing Body to be held on June 24, 2024 at 7:00 p.m. in the Township Municipal Building, 230 Fairfield Road, Fairfield, N.J."


Denise D. Cafone
Municipal Clerk

INTRODUCTION OF ORDINANCE –

ORDINANCE #2024-10 ~ An Ordinance of the Township of Fairfield, Essex County, New Jersey authorizing the transfer of funded parkland within the Township of Fairfield to Friends of the Van Ness House, Inc., Block 2406, Lot 3 (236 Little Falls Road, Van Ness House)

INTRODUCED BY: Council President Cifelli
SECONDED BY: Councilman McGlynn
PUBLISHED: June 6, 2024

ROLL CALL VOTE

GOVERNING BODY	AYES	NAYS	ABSTAIN	ABSENT	NOT VOTING
COUNCIL PRESIDENT JOSEPH CIFELLI	X				
COUNCILMAN JOHN LAFORGIA	X				
COUNCILMAN MICHAEL B MCGLYNN	X				
COUNCILMAN PETER CAMPISI	X				
MAYOR WILLIAM GALESE	X				

2ND READING AND PUBLIC HEARING – JUNE 24, 2024

INTRODUCED BY: Council President Cifelli
SECONDED BY: Councilman McGlynn
PUBLISHED: June 27, 2024

ROLL CALL VOTE

GOVERNING BODY	AYES	NAYS	ABSTAIN	ABSENT	NOT VOTING
COUNCIL PRESIDENT JOSEPH CIFELLI	X				
COUNCILMAN JOHN LAFORGIA	X				
COUNCILMAN MICHAEL B MCGLYNN	X				
COUNCILMAN PETER CAMPISI				X	
MAYOR WILLIAM GALESE	X				