

6  
I 2/12  
A 2/27

**TOWN OF MORRISTOWN**

**ORDINANCE O-6-2024**

**AN ORDINANCE OF THE TOWN OF MORRISTOWN VACATING AND  
CONVEYING A PORTION OF THE EXISTING LACKAWANNA PLACE RIGHT OF  
WAY CONSISTING OF APPROXIMATELY 2,433 SQUARE FEET TO  
LACKAWANNA PLACE MORRISTOWN URBAN RENEWAL, LLC**

**WHEREAS**, the Town Council of the Town of Morristown in its capacity as the municipal governing body (the “Governing Body”) is responsible for implementing redevelopment plans and carrying out redevelopment projects pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Redevelopment Law”); and

**WHEREAS**, the Governing Body, pursuant to Resolution R-88-06, adopted on May 23, 2006, directing the Town Planning Board (the “Planning Board”) to undertake a preliminary investigation in order to make recommendations as to whether certain parcels of property, designated as Block 3602, Lots 11, 12, 12.01 and 13, including lands known as Lumber Street, Lackawanna Place and Lafayette Avenue as shown on the official Tax Map Of the Town of Morristown (the “Redevelopment Area”), may be designated as an “area in need of redevelopment” pursuant to the Redevelopment Law; and

**WHEREAS**, the Planning Board conducted a preliminary investigation of the Redevelopment Area in accordance with the guidelines set forth in N.J.S.A. 40A:12A-6 to determine whether the Redevelopment Area is an “area in need of redevelopment” according to the criteria set forth in N.J.S.A. 40A:12A-5; and

**WHEREAS**, on September 28, 2006, the Planning Board held a public hearing during which it acknowledged the Governing Body’s directives relating to it conducting a preliminary investigation to determine whether the Redevelopment Area, or any portions thereof, constitute an “area in need of redevelopment”; and

**WHEREAS**, on October 31, 2006, pursuant to the Redevelopment Law, the Planning Board adopted Resolution R-88-06, recommending to the Governing Body that, based on its preliminary investigation and findings of fact, the Redevelopment Area may be designated a redevelopment area in accordance with the Redevelopment Law; and

**WHEREAS**, on December 13, 2006, the Governing Body, pursuant to the Redevelopment Law, adopted Resolution R-221-06, determining and declaring that the Redevelopment Area qualified as an “area in need of redevelopment” under the Redevelopment Law; and

**WHEREAS**, pursuant to the Redevelopment Law, the Governing Body further directed Morristown Planning Firm, Topology, to prepare a redevelopment plan, entitled “Morristown Train Station Redevelopment Plan,” dated November 8, 2018 (the “Redevelopment Plan”), which contains a detailed development program and design criteria for the Redevelopment Area; and

**WHEREAS**, on December 13, 2018, pursuant to the Redevelopment Law, the Governing Body adopted Ordinance O-39-2018 following second reading and public hearing, approving and adopting the Redevelopment Plan; and

**WHEREAS**, Redeveloper submitted to the Town a conceptual site plan and architectural elevations for a five (5) story mixed used development on the Property containing a maximum of eighty-nine (89) residential units, including thirteen (13) total Affordable Units, with three (3) Affordable Units to be designated as Very-Low Income household units, pursuant to the Consent Order dated August 2, 2022 in In the Matter of the Application of the Town of Morristown, County of Morris, Docket No. MRS-L-1697-15, together with approximately 3,903 square feet of retail space and approximately 128 structured garage parking spaces, of which 16 of the 128 will be tandem spaces, and approximately 34 surface parking spaces, that are designed to serve not only residents and tenants of the building, but also to replace the existing public parking currently provided by the Morristown Parking Authority (“MPA”) in the train station parking lot (collectively, the “Project”); and

**WHEREAS**, the Governing Body, on August 8, 2023, adopted Resolution R-113-2023 (a) recognizing that Lackawanna Place Morristown Urban Renewal, LLC (the “Redeveloper”) is the contract purchaser of Block 3602, Lots 12, 12.01, and 13, and including lands known as Lumber Street, Lackawanna Place, and Lafayette Avenue as shown on the official Tax Map of the Town of Morristown (collectively, the “MPA Property”) and is the designated redeveloper of the Property, and (b) authorizing the Town to enter into a Redevelopment Agreement with the Redeveloper (the “Redeveloper Agreement”), subject to certain conditions stated in such Resolution; and

**WHEREAS**, the Parties specifically acknowledge and agree that the vacation and conveyance of a portion of the existing Lackawanna Place, currently owned in fee simple by the Town, is essential to the completion of the Project and accordingly, the Town will take all actions necessary to vacate the portion of the existing Lackawanna Place right of way highlighted on the drawing dated January 31, 2024 entitled “Boundary Survey” (the “Vacation Of Portion Of Lackawanna Place” or “Vacation Premises”); and

**WHEREAS**, the Parties have executed an Escrow Agreement to facilitate the holding of the Deed of Conveyance of Portion of Lackawanna Place; and

**WHEREAS**, the Town now desires to take such steps as are necessary to vacate its right, title and interest in the Vacation Premises in accordance with the Redevelopment Agreement and in furtherance of the Project, and convey the same to the Redeveloper as permitted by the Redevelopment Law and N.J.S.A. 40:67-1, et seq.; and

**WHEREAS**, upon the Redeveloper closing and taking title to the MPA Property, the Escrow Agent shall release the Deed of Conveyance of Portion of Lackawanna Place to the Redeveloper; and

**WHEREAS**, all publication and notice requirements having been met.

**NOW THEREFORE, BE IT ORDAINED** by the Town Council of the Town of Morristown as follows, that:

1. All of the recitals hereto are hereby incorporated herein as if set forth at length.
2. All of that part or portion of Lackawanna Place Right of Way measuring approximately 2,433 square feet as depicted on the Metes and Bounds and the Boundary Survey prepared by Langan Engineering and Environmental Services, LLC attached hereto as Exhibit A and dated January 31, 2024, shall be and is hereby vacated and the public right of way and the rights therein shall be and are hereby extinguished, and that the same be and hereby is transferred to Lackawanna Place Morristown Urban Renewal, LLC as Redeveloper, subject to the terms and conditions of the Escrow Agreement.
3. The Town Clerk is hereby authorized and directed to (i) publish notice of the introduction of this Ordinance pursuant to N.J.S.A. 40:49-2; provided, however, that notice as to such introduction and public hearing shall be made, pursuant to N.J.S.A. 40:49-6, at least ten (10) days prior to the public hearing and adoption hereof; and (ii) to mail, at least one week prior to the public hearing and adoption hereof, a copy of the notice referenced in subsection (i) hereof to every person whose lands may be affected by this Ordinance.
4. The Mayor and Town Clerk be and hereby are authorized to execute and attest, respectively, a Deed of Conveyance of Portion of Lackawanna Place, and to forward same to the Escrow Agent as specified in the Escrow Agreement.
5. This Ordinance shall be a part of the Town of Morristown Code as though codified and fully set forth therein. The Town Clerk shall have this Ordinance codified and incorporated in the official copies of the Town of Morristown Code.
6. This ordinance is subject to, and shall not affect the rights and privileges of, public utilities, as defined in R.S.48:2-13, and by any cable television company, as defined in the "Cable Television Act," P.L.1972, c. 186 ( C.48:5A-1 et seq. ), to maintain, repair and replace their existing facilities in, adjacent to, over or under the Vacation Parcel.
7. This Ordinance shall take effect at the time and in the manner provided by law.
8. The Town Clerk and the Town Attorney are hereby authorized and directed to change any chapter numbers, article numbers, and section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those numbers and the existing code in order to avoid confusion and possible accidental repeal of the existing provisions.

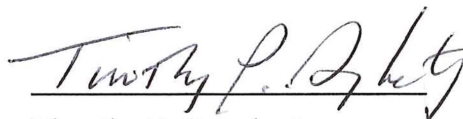
**ATTEST:**

**ADOPTED:**



Margot G. Kaye,

Town Clerk



Timothy P. Dougherty,

Mayor

Date: 2/27/2024