

ORDINANCE NO. 2017-24

ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY AUTHORIZING A RE-TRANSFER TO THE COUNTY OF OCEAN PROPERTY KNOWN AND DESIGNATED AS BLOCK 168, LOT 5 A/K/A 353 NORTH MAIN STREET, BARNEGAT TOWNSHIP, NEW JERSEY.

WHEREAS, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey (hereinafter referred to as the “Township”), has previously been the recipient of a conveyance of property located at Block 168, Lot 5 a/k/a 353 North Main Street, Barnegat Township, New Jersey (hereinafter referred to as the “Cox House”); and

WHEREAS, the transfer to the Township was by Deed dated June 18, 1985, which was recorded on June 20, 1985 in Deed Book 4314 at Page 0912, as found in the Ocean County Clerk’s Office; and

WHEREAS, the Deed of Conveyance contains a specific reverter clause which reads as follows:

The lands herein described are being conveyed specifically for use for public purposes of the Township of Barnegat. In the event that the lands hereby conveyed shall cease to be used for the aforementioned purposes, same shall revert to the County of Ocean, its successors and assigns.

WHEREAS, the Township finds it prudent and in the best interest of the taxpayers and the residents of the Township to re-convey the property to the County of Ocean so that the County can make the Cox House part of its Parks and Recreation inventory; and

WHEREAS, the subject property was previously conveyed by Mary Ann Cox with the understanding that it would be utilized forever for historical and recreational purposes; and

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WHEREAS, as a result thereof inasmuch as the Township is re-conveying the property to the County of Ocean, the Cox House will remain available and open to the public and be able to be utilized for historical and recreational purposes.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey as follows:

SECTION 1. In accordance with the provisions of N.J.S.A. 40A:12-13, *et seq.*, the Township hereby authorizes the re-conveyance of the Cox House property to the County of Ocean for no consideration.

SECTION 2. The re-conveyance of the Cox House to the County of Ocean is under the express understanding that the property will be forever utilized for recreational and historical purposes.

SECTION 3. The Township authorizes and directs that all appropriate and necessary documents be executed by the Mayor, Township Clerk and Township Administrator, in order to implement the intent of this Ordinance.

SECTION 4. The various parts, sections and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

SECTION 5. Any Ordinances or parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION 6. This Ordinance shall take effect upon publication in an official newspaper of the Township, as required by and in conformance with law.

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NOTICE

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was introduced and passed on the first reading by the Township Committee of Barnegat, County of Ocean, State of New Jersey on **August 1, 2017 at 6:30 p.m.**, or as soon thereafter as the matter may be reached and considered, at the Barnegat Township Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey. The Ordinance will be considered for second and final reading at a meeting of the Township Committee on **September __5__, 2017, at 6:30 p.m.**, or as soon thereafter as the matter may be reached and considered, at the Barnegat Township Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey. At that time the public is invited to ask questions, raise objections or provide public comment with regard to the proposed adoption of this Ordinance.

MICHELE RIVERS, RMC, Township Clerk

Prepared by:
**DASTI, MURPHY, McGUCKIN, ULAKY,
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