

AN ORDINANCE AUTHORIZING THE ACQUISITION BY THE TOWNSHIP OF WEST ORANGE IN THE COUNTY OF ESSEX AND STATE OF NEW JERSEY OF CERTAIN REAL AND PERSONAL PROPERTY PURSUANT TO THE LOCAL LANDS AND BUILDING LAW OF THE STATE OF NEW JERSEY, N.J.S.A. 40A:12-1, ET SEQ.

WHEREAS, the Township of West Orange, in the County of Essex, a municipal corporation and body politic of the State of New Jersey, duly formed and existing as a Mayor-Council form of municipal government under the Faulkner Act, wishes to acquire by purchase certain real and personal property currently owned by Montclair Golf Club, a New Jersey not for profit corporation; and

WHEREAS, the property to be acquired, including the real property known as the Lands of “Rock Spring Club”, Lots 22 through 31 in Block 46.01 (on the most current Tax Maps, Lots 22 through 31 in Block 46.01 have been consolidated into one lot, number 22), Lots 2 and 10 in Block 160, and Lots 30 and 34 in Block 160.01, on the Official Tax Map of the Township of West Orange, in the County of Essex and State of New Jersey, as shown on a survey prepared by GC Stewart Associates, 320 Runnymede Road, Essex Fells, NJ, dated June 30, 2014, together with all the buildings and other improvements located on said Lands, and the personal property, including the names “Rock Spring Country Club” and “Rock Spring Club”, and certain equipment and inventory, is set forth in detail in Exhibit “A” hereto, which includes the “Agreement For Purchase And Sale of Property”, including all Exhibits and Schedules attached thereto; and

WHEREAS, Title 40A, Chapter 12, of the New Jersey Statutes, entitled the “Local Lands and Building Law”, requires in *N.J.S.A. 40A:12-5*, that whether by purchase or other means, whether outright or subject to lawful conditions, restrictions or limitations as to its use, such acquisition by a municipality must be authorized by ordinance; now, therefore,

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, in the County of Essex, State of New Jersey, that the Mayor shall be authorized to negotiate, enter into, execute and deliver the “Agreement For Purchase And Sale Of Property”, in the form, or substantially in the same form with such additions, deletions, and omissions as may be required by Township Counsel, as that attached hereto as Exhibit “A”, and as further described in the above Recitals which are here fully incorporated by reference, and the Municipal Clerk shall be authorized to execute the same document attesting to the Mayor’s signature; and

BE IT FURTHER ORDAINED, that the Mayor, the Township’s professional staff and the Municipal Clerk may undertake all additional necessary and reasonable actions to effectuate the purchase of real property known as the Lands of “Rock Spring Club”, with all the buildings and other improvements located thereon, and the personal property, including the names “Rock Spring Country Club” and “Rock Spring Club”, and certain equipment and inventory, all as set forth in detail in Exhibit “A” attached hereto, which includes the “Agreement For Purchase And Sale of Property”, including all Exhibits and Schedules attached thereto; and

BE IT FURTHER ORDAINED, that if any part of this Ordinance is determined to be invalid, such part shall be severed and its invalidity shall not affect its remaining parts, any and all parts of ordinances which are inconsistent with any of the terms and provisions of this Ordinance shall be and the same are hereby repealed as to and to the extent of such inconsistency, and this Ordinance shall take effect upon final passage and publication as required by law.

Robert D. Parisi, Mayor

Jerry Guarino, Council President

Karen Carnevale, R.M.C., Municipal Clerk

Introduced: February 19, 2019

Adopted: March 5, 2019

Legislative History

The Montclair Golf Club, a private not for profit corporation owning a thirty-six hole private golf club, twenty-seven holes of which are located in the Township of West Orange, and also owning the Rock Spring Club, another private eighteen-hole golf course, approximately 138 acres in size, located entirely in the Township of West Orange within its St. Cloud neighborhood, determined to sell the Rock Spring Club property to a private developer. The likely result of such a sale would be development of much of that 138 acres with single and multi-family homes with all of its collateral effect on traffic, the school system and significantly impacting the scope and expense of all municipal services. Seeking to avoid or at least ameliorate such impact, the Township of West Orange seeks to purchase the Rock Spring Club property for public mixed use as open space, recreational facilities, including golf as well as other forms of recreation, possibly using a small portion of the land for the Township's Public Works facility, and possibly selling a portion of the acreage for private development. The intention is to preserve as much of the land as possible for open space and recreational use recognizing that the needs of the community are likely to change over time and maintaining flexibility to meet those changing needs will be most beneficial to the Township.