

BOROUGH OF KENILWORTH
ORDINANCE 2014-09

**AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY TO
THE RAHWAY VALLEY SEWERAGE AUTHORITY**

BE IT ORDAINED by the Mayor and Council of the Borough of Kenilworth, County of Union, State of New Jersey, as follows:

SECTION I. Introduction.

- A. The, Local Lands and Buildings Law, N.J.S.A. 40A: 12-1 et seq., governs the sale of real property by municipalities in the State of New Jersey.
- B. Pursuant to the Local Lands and Buildings Law, N.J.S.A. 40A:12-13 (b), a municipality may when authorized by Ordinance conduct a private sale of real property to a public body corporate and politic of the State of New Jersey.
- C. By verdict dated December 4, 1930, the then Circuit Court of Union County, State of New Jersey, certain properties then designated as Block 830, Lots 1 and 20 on the Tax Map of the City of Rahway, County of Union and Block 919-B, Lots 1, 2 and 2A on the Tax Map of the Township of Woodbridge, County of Middlesex (the "Property") were acquired by the City of Rahway, Town of Westfield, Township of Cranford, Township of Springfield, Borough of Kenilworth, Borough of Garwood, Borough of Roselle Park, and Township of Clark in the County of Union and the Township of Woodbridge in the County of Middlesex (collectively, the "Municipalities"), which were then organized into a Joint Meeting for the construction and maintenance of a joint trunk sewer and a sewage disposal plant.
- D. By Deed from Halsey L. Vanderhoven et als, recorded April 2, 1930 in the Union County Register's Office, Book 1201, Page 238 (the "Vanderhoven Deed"), a portion of the Property was conveyed to the Municipalities comprising the Joint Meeting.
- E. By Deed dated October 28, 1932, from Harriet B. Edgar, the remaining portion of the Property not conveyed by the Vanderhoven Deed was conveyed to the Municipalities as organized as the Joint Meeting; however this Deed was recorded March 11, 2004 in the Union County Clerk's Office in Book 5420, Page 520 and March 24, 2004 in the Middlesex County Clerk's Office in Deed Book 5309, Page 727 (the "Edgar Deed").
- F. By Deed from the Municipalities to the Rahway Valley Sewerage Authority, a public body corporate and politic duly created under the laws of the State of New Jersey, ("RVSA") dated January 29, 1952 and recorded February 6, 1952 in the Union County Register's Office in Deed Book 1958, Page 544 and recorded February 20, 1952 in the Middlesex County Clerk's Office in Deed Book 1606, Page 20 (the "RVSA Deed") the Municipalities conveyed the Property and other rights described therein to the RVSA as successor to the Municipalities organized as the Joint Meeting.
- G. The RVSA Deed expressly referred to the Vanderhoven Deed as a source of title for the lands and interests conveyed but did not make reference to the Edgar Deed.
- H. The Edgar Deed was recorded out of the chain of title of the RVSA to the Property, which creates a cloud on the title of RVSA to the Property and which cloud may be removed by a deed from the Municipalities to the RVSA conveying the portion of the Property described in the Edgar Deed.

SECTION II. The Borough of Kenilworth hereby ratifies and confirms the sale of that portion of the Property described in the Edgar Deed to the RVSA for nominal consideration.

SECTION III. The Mayor and Clerk are authorized to execute, attest and deliver to the RVSA, the Deed attached and incorporated herein and such other documents as are necessary to consummate the sale of that portion of the Property described in the Edgar Deed to the RVSA, in a form acceptable to the Borough of Kenilworth and the RVSA.

SECTION IV. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION V. If any portion of this Ordinance shall be determined to be invalid, such determination shall not affect the validity of the remaining portions of said Ordinance.

SECTION VII. This Ordinance shall take effect upon final passage and publication in accordance with law.

Introduced: ____June 25, 2014____

Adoption: ____August 27, 2014____
