

TOWNSHIP OF DELAWARE
ORDINANCE NO. 2017-01

AN ORDINANCE OF THE TOWNSHIP OF DELAWARE, COUNTY OF HUNTERDON, NEW JERSEY, AUTHORIZING THE ACQUISITION OF REAL PROPERTY, SPECIFICALLY BLOCK 42, PROPOSED LOT 3.02 ON THE DELAWARE TOWNSHIP TAX MAP IN COOPERATION WITH THE COUNTY OF HUNTERDON AND THE STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, AND AUTHORIZING THE EXPENDITURE OF FUNDS FROM THE DELAWARE TOWNSHIP OPEN SPACE TRUST FUND.

WHEREAS, the Estate of Seymour Reimer, ("**Reimer**") owns an approximately 64.4+ acre parcel of land designated on the Delaware Township Tax Maps as a portion of Block 42, Lot 3, known as proposed lot 3.02 (the "**Property**"); and

WHEREAS, in cooperation with the County of Hunterdon ("**County**"), and the State of New Jersey, Department of Environmental Protection, Green Acres ("**Green Acres**"), the Township of Delaware ("**Township**") wishes to preserve the Property and acquire interests therein; and

WHEREAS, the Township entered into an option agreement with Reimer for the acquisition of the Property at the appraised value per acre, with the understanding that the Township would acquire the Property in fee simple and preserve the Property in conjunction with the Green Acres and the County; and

WHEREAS, the total purchase price of the Property based upon the appraised value of \$20,950.00 per acre is anticipated to be \$1,349,200.95; however the final purchase price may vary slightly, following completion of the survey and a determination by Green Acres of eligible acres; and

WHEREAS, Green Acres has agreed to contribute approximately \$648,000.48 (fifty percent of the acquisition cost of the eligible acres) from the Local Assistance Grant Program and the County has agreed to contribute \$500,000.00 towards the acquisition of the Property through an Open Space Cooperative Grant; and

WHEREAS, the Township has established a Municipal Open Space Trust Fund (the "**Trust**"), as permitted by P.L. 1997, c. 24 of the Laws of the State of New Jersey; and

WHEREAS, monies from the Trust shall be used to pay the Township's share of the cost of acquisition of the Property in an amount not to exceed \$187,000.00.

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

Section 1. Preamble Incorporated. The preamble to this ordinance is incorporated and made part hereof as if set forth at length herein.

Section 2. Findings. The Township Committee makes the following findings:

A. The Township has established a Municipal Open Space Trust Account as permitted by P.L. 1997, c. 24., which monies may be used for the acquisition of lands for the public purposes of recreation, conservation, farmland, and historic preservation purposes.

B. The property comprises approximately 64.4+ acres and is worthy of preservation due to its natural values, scenic character, and proximity to other preserved lands.

C. The option agreement provides for a purchase price based upon the appraised value of \$20,950.00 per eligible acre, anticipated to be 64.4+ acres, and the acquisition will be made in cooperation with Green Acres and the County.

D. It is in the best interests of the Township and its residents to acquire and preserve the Property.

Section 3. Authorization to Acquire the Property. Pursuant to N.J.S.A. 40A:12- 1 *et seq.*, the Township is hereby authorized to acquire the fee simple ownership of Property for the purposes set forth above and to expend from the Trust an amount equal to twenty thousand nine hundred fifty (\$20,950.00) dollars per eligible acre as well as usual and customary costs of title insurance and searches, recording fees, survey, legal and other fees, provided the Township's costs do not exceed one hundred eight seven thousand (\$187,000.00) dollars, and to expend funds held in reserve on behalf of the Township of Delaware in the New Jersey Department of Environmental Protection Green Acres Local Assistance Grant Program in the amount of fifty percent of the cost of acquisition of the Property (approximated \$684,000.48). A county Open Space Cooperative Grant to the Township of five hundred thousand (\$500,000.00) dollars shall also be applied to the acquisition.

Section 4. Authority to Execute Documents and to Undertake All Acts Necessary to Effectuate the Purposes of this Ordinance. The Mayor, Chief Financial Officer, Clerk, Township Attorney and other appropriate staff are hereby authorized and directed to execute any and all documents, including but not limited to agreements providing for the Township's purchase of the Property described herein, and to undertake any and all such acts as may be reasonably necessary to effectuate the terms hereof, subject to the Township Attorney's approval of the form and substance of said documents. This grant of authority shall include the authority

to make non-material changes to the terms described herein as may be necessary to satisfy Green Acres and/or County requirements to close title on the Property.

Section 5. Repealer. All ordinances and resolutions, or parts thereof, inconsistent with this Ordinance are hereby repealed.

Section 6. Severability. If any section, paragraph, subsection, clause or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and the remainder of this ordinance shall be deemed valid and enforceable.

Section 7. Effective Date. This ordinance shall take effect upon final adoption and publication in accordance with law.

ATTEST:

Charles Herman, Mayor

Jodi McKinney
Acting Municipal Clerk
February 13, 2017

PLEASE TAKE NOTICE That the above Ordinance was approved on first reading at the regular meeting of the Delaware Township Committee held February 13, 2017. It will be considered on second reading for final adoption at a regular meeting to be held February 27, 2017 beginning 7:30 P.M. at Township Hall, Sergeantsville, New Jersey. At that time an opportunity will be given for all interested citizens to be heard.