

DELAWARE TOWNSHIP
ORDINANCE #2010-23

AN ORDINANCE OF THE TOWNSHIP OF DELAWARE IN HUNTERDON COUNTY, NEW JERSEY, AUTHORIZING THE ACQUISITION OF INTERESTS IN PROPERTY DESIGNATED AS BLOCK 12, LOT 11 ON THE DELAWARE TOWNSHIP TAX MAP IN CONJUNCTION WITH THE D&R GREENWAY LAND TRUST, THE COUNTY OF HUNTERDON AND THE NEW JERSEY WATER SUPPLY AUTHORITY FOR CONSERVATION PURPOSES, AND TO ALSO PROVIDE AUTHORIZATION FOR THE SUBSEQUENT CONVEYANCE OF CERTAIN INTERESTS IN THE IDENTIFIED PROPERTY TO THE D&R GREENWAY LAND TRUST (Central Jersey Beagle Club Property; Block 12, Lot 11, Ferry Road)

WHEREAS, the Central Jersey Beagle Club/Wallace owns an approximate 93 acre parcel of land on Ferry Road, designated on the Delaware Township Tax Map as Block 12, Lot 11, which land is bisected by the Plum Brook (hereinafter “the Property”); and

WHEREAS, the Township has previously provided funding to support the preservation of adjoining properties, including Block 12, Lot 3 (formally Howery) and Block 12, Lot 4 (formerly Jones); and

WHEREAS, the Township wishes to contribute to the acquisition of interests in the Property for the purposes of the preservation and conservation of the Property, in conjunction with the D&R Greenway Land Trust (“D&R”), the County of Hunterdon, and the New Jersey Water Supply Authority, using funding the Township has received from the New Jersey Department of Environmental Protection’s Green Acres Program (“Green Acres Program”); and

WHEREAS, the Township’s contribution to the acquisition of fee simple title to a portion of the Property is in the total amount of \$232,605.00, with \$121,375.00 derived from a Green Acres credit (donation of conservation easement on the Weingart property) and \$111,230.00 derived from Green Acres Program funds allocated to the Township; and

WHEREAS, as a condition of providing grant funds to D&R to assist in the acquisition of the Property, the County of Hunterdon requires that a conservation easement encumber the Property; and

WHEREAS, pursuant to the Local Lands and Building Law, N.J.S.A. 40A:12-1 et seq., the Township may transfer its ownership interest in the Property for nominal consideration to a non-profit organization; and

WHEREAS, D&R is an approved, fully tax exempt, not-for-profit 501(c)(3) organization under the Internal Revenue Code, with a specific mission to conserve land and its resources, and to promote public access thereto in accordance with the rules and regulations of the Green Acres Program; and

WHEREAS, the Township wishes to convey all but five percent (5%) of the Township's fee simple interest in the Property to D&R in consideration of the non-profit corporation's contributions to the preservation of the entire Property, and in order to provide for the educational and recreational use of the Property by the general public, including the residents of the Township; and

WHEREAS, uses of and activities on the Property shall be consistent with the State of New Jersey Green Acres Program rules and regulations as contained in N.J.A.C. 7:36-20 et seq. as may be amended and supplemented from time to time including, but not limited to, trails and pathways, as well as meadow, wildlife, woodland and watershed management, agricultural activities, and additional uses and activities related to the aforesaid purposes.

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

SECTION 1. Findings. The Township Committee of the Township of Delaware hereby finds and determines that it is in the best interests of Delaware Township and its residents to preserve Block 12, Lot 11 and consequently, to enter into a contract providing for the purchase of interests in the Property as owned by the Central Jersey Beagle Club/Wallace.

SECTION 2. Authorization to Acquire Fee Simple Interest of Part of Block 12, Lot 11. Pursuant to N.J.S.A. 40A:12-1 et seq., the Township of Delaware is hereby authorized to acquire, in conjunction with D&R Greenway Land Trust and the New Jersey Water Supply Authority, fee simple interest in part of the Property (approximately 45 acres) for the purposes set forth above, and to that end to contribute available Green Acres Program funds in an amount equal to \$232,605.00.

SECTION 3. Authorization to Convey the Township's Fee Simple Interest in a Part of Block 12, Lot 11. Pursuant to N.J.S.A. 40A:12-1 et seq., the Township of Delaware is hereby authorized to convey, following acquisition, all or a portion of its fee simple interest in the Property to the D&R Greenway Land Trust for nominal consideration for the purposes set forth above.

SECTION 4. Authorization Permitting and Accepting Hunterdon County's Conservation Easement over the Township's Fee Simple Interest in Block 12, Lot 11. Pursuant to N.J.S.A. 40A:12-1 et seq., the Township of Delaware is hereby authorized to permit and accept a County of Hunterdon conservation easement to encumber that portion of the Property the Township will own in fee simple.

SECTION 5. Authorization to Execute Documents and Undertake Acts Necessary to Effectuate the Purposes of this Ordinance. The Mayor, Clerk and Township Attorney are hereby authorized and directed to execute any and all such documents, including but not limited to agreements and settlement statements, providing for the Township's purchase and conveyance of interests in the Property, and to undertake any and all such acts as may be necessary to effectuate the terms hereof, subject to the Township Attorney's approval of the form and substance of said documents.

SECTION 6. Repealer. All ordinances and resolutions, or parts thereof, inconsistent with this Ordinance, are hereby repealed.

SECTION 7. Severability. If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged 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 effective.

SECTION 8. Effective Date. This Ordinance shall take effect immediately upon its passage and publication as required by law.

ATTEST:

George Hrehowsik, Mayor

Judith A. Allen, RMC
Township Clerk
December 13, 2010
Published 12/16/10

PLEASE TAKE NOTICE that the Delaware Township Committee approved the above Ordinance on first reading at its Regular Meeting held on December 13, 2010. It will be considered on second reading for final adoption and will have a public hearing at a Regular Meeting beginning at 8:00 p.m. on December 27, 2010 at the Delaware Township Hall, 570 Rosemont Ringoes Rd. (Rt. 604), Sergeantsville, New Jersey. At that time an opportunity will be given for all interested citizens to be heard.