

DELAWARE TOWNSHIP
ORDINANCE #2012-04

AN ORDINANCE OF THE TOWNSHIP OF DELAWARE IN HUNTERDON COUNTY, NEW JERSEY, AUTHORIZING A CONTRIBUTION TO THE ACQUISITION OF PROPERTY LOCATED ON LOCKTOWN – SERGEANTSVILLE ROAD, COMPRISING 25± ACRES AND DESIGNATED AS BLOCK 21, LOTS 2 (P/O), 2.02, 2.03, 2.04, & 2.05 ON THE DELAWARE TOWNSHIP TAX MAP BY THE NEW JERSEY CONSERVATION FOUNDATION IN CONJUNCTION WITH THE COUNTY OF HUNTERDON, THE UNITED STATES DEPARTMENT OF AGRICULTURE AND THE STATE AGRICULTURE DEVELOPMENT COMMITTEE, AND AUTHORIZING THE EXPENDITURE OF FUNDS FROM THE TOWNSHIP OF DELAWARE’S OPEN SPACE TRUST ACCOUNT IN AN AMOUNT NOT TO EXCEED \$1,631.00 PER ACRE.
#2012-04

WHEREAS, Harriet V. H. Fisher (“Seller”) is the owner of real property located on Locktown – Sergeantsville Road comprising approximately twenty-five (25) acres, being designated as Block 21, Lots 2 (P/O), 2.02, 2.03, 2.04, & 2.05 on the Delaware Township Tax Map (the “Property”); and

WHEREAS, the New Jersey Conservation Foundation (“NJCF”), a non-profit land trust that meets the definition of a “charitable conservancy” under N.J.S.A. 40:12-15.1 has an option to purchase the Property from the Seller for the sum of \$26,520.00 per acre or approximately \$663,000.00; and

WHEREAS, NJCF owns approximately 1,000 acres in the Township of Delaware (“Township”) that have been preserved in perpetuity for open space and/or agricultural purposes; and

WHEREAS, the preservation of the Property will further the completion of an agricultural greenbelt surrounding the historic village of Sergeantsville within the Township, and promote the conservation of important agricultural, soil and water resources; and

WHEREAS, the State of New Jersey acting through the State Agriculture Development Committee (“SADC”) and the United States of America, acting through the Department of Agriculture (“USDA”), Federal Farm and Ranchland Protection Program (“FRPP”) have agreed to

contribute to the preservation of the Property through the acquisition of a development easement on the Property; and

WHEREAS, the County of Hunterdon (“County”), through its County Trust Fund created pursuant to *P.L. 1997, c. 24* (N.J.S.A. 40:12-15.1 *et seq.*) has also recognized the Property’s important agricultural, soil and water resources and determined to contribute to the preservation of the Property; and

WHEREAS, the Township wishes to contribute to the preservation of the agricultural lands, protection of open space and the protection of the various natural features and conservation values associated with the Property by assisting the NJCF in the acquisition of the Property; and

WHEREAS, preservation and acquisition of the Property through the conveyance of a development easement to the SADC and USDA, and fee conveyance of the Property to the NJCF will be achieved through funding by the Township, NJCF, County, SADC and USDA and NJCF; and

WHEREAS, the Township’s contribution will be calculated on the basis of \$1,631.00 per acre, representing approximately 6.1% of the total cost of preserving and acquiring the Property as aforesaid, and the Township’s Chief Financial Officer has verified that sufficient funds are available and unencumbered in the Township’s open space trust account to make this contribution; and

WHEREAS, actual ownership of the Property by the Township is not needed to further the public use and enjoyment thereof because other public entities will hold a development easement on the Property and a charitable conservancy having a public purpose will hold the fee interest; and

WHEREAS, pursuant to N.J.S.A. 40:12-15.10, the Township may enter into an agreement with the NJCF, to contribute municipal funds to be used toward the acquisition of property in the charitable conservancy’s name; and

WHEREAS, the uses permitted on the Property will be as set forth in development easement to the SADC and USDA and in the deed to the NJCF, and the NJCF agrees to be bound by all applicable SADC and USDA conditions, rules and regulations.

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 preamble to this ordinance is hereby incorporated and made a part hereof as if fully restated. The Township Committee of the Township of Delaware hereby finds that it is in the best interests of the Township and its residents to participate in the preservation and acquisition the Property.

Section 2. Authorization to Contribute Township Open Space Funds to the Acquisition of Property. Pursuant to N.J.S.A. 40:12-15.10, the Township of Delaware is hereby authorized to contribute to the acquisition and preservation of the Property, in conjunction with the NJCF, SADC, USDA, and County, for the purposes set forth above, and to that end to expend funds held in the Township’s open space trust account in the amount equivalent to \$1,631.00 per acre of the Property.

Section 3. 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 providing for Delaware Township's contribution to the acquisition and preservation of 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 4. Repealer. All ordinances and resolutions, or parts thereof, inconsistent with this ordinance are hereby repealed.

Section 5. 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 6. Effective Date. This ordinance shall take effect immediately upon its passage and publication as required by law.

ATTEST:

Judith A. Allen, RMC
Township Clerk
February 13, 2012
Published 2/16/12

Roger Locandro, Mayor

PLEASE TAKE NOTICE that the Delaware Township Committee approved the above ordinance on first reading at its Regular Meeting held on February 13, 2012. 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 February 27, 2012 at the Delaware Township Hall, 570 Rosemont Ringoes Rd. (Rt. 604), Sergeantsville, NJ. At that time an opportunity will be given for all interested citizens to be heard