

ORDINANCE 2024-09

**TOWNSHIP OF HOLMDEL
COUNTY OF MONMOUTH**

**ORDINANCE APPROVING EASEMENT TO COUNTY OF MONMOUTH FOR
CRAWFORD HILL PROPERTY AS PART OF THE COUNTY'S GRANT FUNDING
UNDER THE "MUNICIPAL LAND PRESERVATION INCENTIVE PROGRAM" AND
RELATED ACTIONS**

WHEREAS, pursuant to a declaration of taking recorded in the Office of the Monmouth County Clerk on January 31, 2024 in Book OR-9676, Page 1116, the Township of Holmdel ("Township") is the fee simple owner of Block 27, Lots 6 and 6.01 (the "Crawford Hill Property"), in addition to an access easement across a portion of Block 27, Lot 7; and

WHEREAS, on November 21, 2023, the Township Committee adopted Resolution 2023-312, titled, RESOLUTION AUTHORIZING A COOPERATIVE PROJECT AGREEMENT WITH THE COUNTY OF MONMOUTH UNDER ITS MUNICIPAL LAND PRESERVATION INCENTIVE PROGRAM FOR THE ACQUISITION OF REAL PROPERTY KNOWN AND DESIGNATED AS BLOCK 27, LOTS 6 AND 6.01 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF HOLMDEL, MONMOUTH COUNTY, NEW JERSEY (the "Resolution"), the terms of which are incorporated by reference herein; and

WHEREAS, as further outlined in the Resolution, the Township Committee authorized entry into a Cooperative Grant Agreement with the County of Monmouth ("County") in furtherance of an application to the County Grant Program relative to the Crawford Hill Property; and

WHEREAS, under the County Grant Program, the County of Monmouth will fund up to 75% of the net acquisition cost, which in this instance amounts to \$3,562,500, and if granted by the County would result in a net Township cost of \$1,187,500 or 25% of the net acquisition cost (funded through the Municipal Open Space Trust Fund) to acquire the Crawford Hill Property; and

WHEREAS, in exchange for the County providing the grant funding, the County seeks an open space and/or historic preservation easement across the Crawford Hill Property; and

WHEREAS, the Township and County further seek to enter into a Memorandum of Understanding (MOU) addressing various historic preservation considerations regarding the historic Horn Antenna located on the Crawford Hill Property; and

WHEREAS, the Township seeks to take the necessary legal actions to provide for the foregoing; and

WHEREAS, the Township is authorized to convey an easement interest of its real property to the County upon the terms set forth in this Ordinance pursuant to law, including but not limited to N.J.S.A. 40A:12-13(b)(1).

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Holmdel, as follows:

1. The foregoing recitals are hereby incorporated as if set forth at length.
2. The Township Committee hereby authorizes the conveyance of an open space/historic preservation easement in the Crawford Hill Property to the County of Monmouth, for the consideration of \$3,562,500 in grant funding under the County Grant Program.
3. The Township authorizes entry into a MOU with the County addressing various historic preservation considerations regarding the Horn Antenna.
4. The Township Committee hereby authorizes and directs the Township Attorney, Township Special Counsel, Township Administrator, and Township Chief Financial Officer to take any and all steps reasonably necessary to effectuate the foregoing.
5. The Township Committee hereby authorizes both the Mayor and Township Administrator to execute any and all instruments reasonably necessary to effectuate the foregoing, including but not limited to a) Cooperative Project Agreement and/or any required amendments thereto; b) purchase and sale agreement; c) deed of easement; and/or d) MOU, all of which shall be upon terms to be negotiated with the County and approved as to legal form by the Township Attorney and/or Special Counsel.
6. Severability. The provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.
7. Repealer. All ordinances and resolutions, and parts of ordinances and resolutions which are inconsistent with provisions of this ordinance shall be, and are hereby, repealed to the extent of any such inconsistency.
8. Effective Date. This ordinance shall take effect upon final adoption and publication in accordance with law.

LEGAL NOTICE

Publication by Summary Pursuant to N.J.S.A.40:49-2

This Ordinance approves the Township's granting of an easement upon the Crawford Hill Property to the County of Monmouth in exchange for grant funding under the County Grant Program and related actions.

CERTIFICATION

The foregoing ordinance was introduced and passed on the first reading at a meeting of the Township Committee of the Township of Holmdel held on March 26, 2024 and will be considered for final passage and adoption at a meeting of said Township Committee to be held on April 9, 2024 at Township Hall, 4 Crawfords Corner Road, Holmdel, NJ at 7:30 PM at which time and place all persons desiring to be heard thereon will be given full opportunity.

Rocco Impreveduto, Mayor

Attest:

Wendy L Patrovich, RMC/CMR
Township Clerk

I certify that this is a true copy of an ordinance that was adopted at the April 9, 2024 Township Committee Meeting.

Wendy L Patrovich, RMC/CMR
Township Clerk