

EXPLANATION: This Ordinance authorizes the Township of Hillsborough to purchase Lots 26.01, 28.01, 29.01, 33 and 47 in Block 12 from PID Associates and authorizes an appropriation in the total amount of \$3,082,000.00 from the Open Space Trust Fund.

ORDINANCE 2012-13

**AN ORDINANCE AUTHORIZING THE TOWNSHIP OF
HILLSBOROUGH TO PURCHASE LOTS 26.01, 28.01, 29.01, 33 AND 47
IN BLOCK 12 FROM PID ASSOCIATES AND AUTHORIZES AN
APPROPRIATION IN THE TOTAL AMOUNT OF \$3,082,000.00 FROM
THE OPEN SPACE TRUST FUND.**

WHEREAS, the Township of Hillsborough negotiated with PID Associates to purchase Lots 26.01, 28.01, 29.01, 33 and 47 in Block 12 consisting of approximately 237.057 acres (“Property”) for open space, conservation and recreational or similar uses as authorized in N.J.S.A. 40A:12-1 et seq.; and

WHEREAS, the negotiations resulted in an agreement being reached subject to the approval and ratification of the Township Committee; and

WHEREAS, the Township Attorney drafted an Agreement for the Purchase of Real Estate (“Agreement”) between PID Associates and the Township, which Agreement was reviewed, revised and approved by PID; and

WHEREAS, the Agreement has been executed by PID Associates; and

WHEREAS, the Agreement calls for a total purchase price of \$3,082,000.00 for Lots 26.01, 28.01, 29.01, 33 and 47 in Block 12; and

WHEREAS, the Agreement is subject to certain contingencies which must be satisfied before closing of title; and

WHEREAS, the Township Committee reviewed the Agreement and discussed it with the Township Attorney and finds it acceptable; and

WHEREAS, the Township Committee desires to authorize the Mayor and Acting Clerk to execute the Agreement on behalf of the Township; to authorize the Township Administrator and Attorney to take all required action to satisfy all contingencies contained in the Agreement; and to arrange to close within one hundred and eighty (180) days from the Effective Date of the Agreement; and

WHEREAS, the Open Space Advisory Committee recommended the acquisition of the Property for the purposes set forth hereinbefore and the funding of such acquisition through the Open Space Trust Fund (“Trust Fund”); and

WHEREAS, the Township will fund the purchase price through the said Trust Fund; and

WHEREAS, the Township intends to seek reimbursement for the acquisition of the Property from the New Jersey Department of Environmental Protection, Green Acres Program; and

WHEREAS, the Township received \$82,000.00 from Public Service Electric & Gas Company as a result of a diversion of Green Acres property; and

WHEREAS, the Township desires to utilize that \$82,000.00 to acquire a portion of the Property which shall serve as replacement property for the land diverted by Public Service Electric & Gas Company; and

WHEREAS, the Township Committee desires to adopt this Ordinance to authorize the acquisition of the Property, authorize the funding for the acquisition of the Property, authorize seeking reimbursement from the Green Acres Program and authorize the use of the payment by Public Service Electric & Gas Company for replacement property; and

WHEREAS, the Township Committee desires to authorize the Township Administrator and Attorney to obtain all necessary studies, including title searches, surveys and Phase I Environmental Audit; and

WHEREAS, the Township Committee filed applications to participate in the Green Acres Program; and

WHEREAS, the application to the Green Acres Program stated that the Property would be enrolled in that Program in exchange for partial reimbursement of the purchase price.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hillsborough, in the County of Somerset and State of New Jersey, as follows:

1. This Ordinance, upon final adoption, shall authorize the Township of Hillsborough to acquire the Property, authorize the funding for the acquisition of the Property,

authorize seeking reimbursement from the Green Acres Program, authorize the use of the payment by Public Service Electric & Gas Company for replacement property, including title searches, surveys and Phase I Environmental Audit and expend money from the Trust Fund for all of these purposes.

2. The Township of Hillsborough Mayor and Acting Clerk are hereby directed and authorized to utilize the Trust Fund for the purchase of the Property for the total purchase price of \$3,082,000.00.

3. The Township Administrator and Attorney are hereby directed to take all action required to satisfy the contingencies contained in the Agreement.

4. The Township Administrator and Attorney are hereby directed to apply for reimbursement of all or a portion of the purchase price, and to take all action necessary to obtain reimbursement.

5. There is hereby authorized an appropriation in the amount of \$3,082,000.00 from the Trust Fund for the acquisition of the Property. The Township Chief Financial Officer shall, prior to the effective date of this Ordinance, file with the Township Clerk a statement certifying that sufficient funds are available in the Trust Fund to make this acquisition. The original certification shall be attached to the original of this Ordinance and shall be kept on file with the Acting Clerk.

6. The Township Mayor, Acting Clerk and Attorney are hereby authorized to take any action necessary to place the Green Acres Program restrictions on the Property in exchange for partial reimbursement of the purchase price.

7. This Ordinance shall take effect upon its final passage and publication according to law.

ATTEST

HILLSBOROUGH TOWNSHIP

By: _____
Michael Merdinger,
Acting Clerk

By: _____
Carl Suraci, Mayor

Introduced: 2/28/12
Published: 3/08/12
Public Hearing: 3/27/12
Adopted: 3/27/12
Published: 4/05/12