

**EXPLANATION:** This Ordinance authorizes the Township of Hillsborough to acquire a development easement over Block 201, Lot 7 from ANRI, Inc., and authorizes an appropriation in an amount not to exceed \$365,000.00 from the Open Space Trust Fund.

**ORDINANCE 2010-28**

**AN ORDINANCE AUTHORIZING THE TOWNSHIP OF HILLSBOROUGH TO ACQUIRE A DEVELOPMENT EASEMENT OVER BLOCK 201, LOT 7 FROM ANRI, INC., AND AUTHORIZING AN APPROPRIATION IN AN AMOUNT NOT TO EXCEED \$365,000.00 FROM THE OPEN SPACE TRUST FUND.**

**WHEREAS**, the Township of Hillsborough negotiated with ANRI, Inc., to acquire a development easement over Block 201, Lot 7 (“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 the Property and a Development Easement” (“Agreements”) between ANRI, Inc., and the Township, which Agreement was reviewed, revised and approved by the attorney for ANRI, Inc.; and

**WHEREAS**, the Agreement has been executed by ANRI, Inc.; and

**WHEREAS**, the Agreement calls for a total purchase price for the development easement in an amount not to exceed \$365,000.00 for the Property; 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 Township Clerk to execute the Agreement on behalf of the Township; to authorize the Township Administrator and Township 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 partial reimbursement for the acquisition of the Property from the County of Somerset; and

**WHEREAS**, the Township Committee desires to adopt this Ordinance to authorize the acquisition of the development easement, authorize the funding for the acquisition of the development easement, and authorize seeking reimbursement from the County of Somerset; 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**, it is the intention of the Township, if necessary, to assign to the County of Somerset the Deed of Easement for the Property; and

**WHEREAS**, the Local Lands and Buildings Law, N.J.S.A. 40A:12-13(b)(1) and N.J.S.A. 40A:12-13.4, authorizes the Township to transfer unneeded municipal interests in land to the County at a private sale provided that the property continues to serve a public purpose; namely, preserved as farmland.

**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 development easement, authorize the funding for the acquisition of the development easement, authorize seeking reimbursement from the County of Somerset, authorize all necessary studies, including title searches, surveys and Phase I Environmental Audit and expend money from the Trust Fund for these purposes.

2. The Township of Hillsborough Mayor and Clerk are hereby directed and authorized to utilize the Trust Fund for this purchase, to execute the “Agreement for the Purchase of a Development Easement” for the purchase of Block 201, Lot 7 in an amount not to exceed \$365,000.00.

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

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

5. There is hereby authorized an appropriation in an amount not to exceed \$365,000.00 from the Trust Fund for the acquisition of the development easement described in this Ordinance. 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 appropriation. The original certification shall be attached to the original of this Ordinance and shall be kept on file with the Township Clerk.

6. The Township Mayor, Clerk and Attorney are hereby authorized to take any action necessary to assign, if necessary, a Deed of Easement to the County of Somerset 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: \_\_\_\_\_  
Kevin P. Davis, Clerk

By: \_\_\_\_\_  
Frank DelCore, Mayor

*Introduced: 08/10/10*

*Published: 08/19/10*

*Public Hearing: 09/14/10*

*Adopted: 09/14/10*

*Published: 09/23/10*

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