

**EXPLANATION:** This Ordinance authorizes the Mayor and Clerk to execute an Agreement to purchase Block 167, Lot 10.01 in fee, and to acquire a conservation easement over Block 167, Lot 10 from Townsend Scudder, Jr., and Mary Scudder, and authorizes an appropriation in the total amount of \$886,000.00 from the Open Space Trust Fund.

**ORDINANCE 2008-03**

**AN ORDINANCE AUTHORIZING HILLSBOROUGH TOWNSHIP TO PURCHASE BLOCK 167, LOT 10.01 IN FEE, AND TO ACQUIRE A CONSERVATION EASEMENT OVER BLOCK 167, LOT 10 FROM TOWNSEND SCUDDER, JR., AND MARY SCUDDER, AND AUTHORIZING AN APPROPRIATION IN THE TOTAL AMOUNT OF \$886,000.00 FROM THE OPEN SPACE TRUST FUND.**

**WHEREAS**, the Township of Hillsborough negotiated with Townsend Scudder, Jr., and Mary Scudder to purchase Block 167, Lot 10.01 in fee, and to acquire a conservation easement over Block 167, Lot 10 (“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 D&R Greenway Land Trust (“Land Trust”) was instrumental in bringing these negotiations to fruition, including agreeing to reimburse the Township for a portion of the purchase price for the Property; 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 Conservation Easement” (“Agreement”) between Townsend Scudder, Jr., and Mary Scudder; and the Township and Land Trust, which Agreement was reviewed, revised and approved by the attorney for Townsend Scudder, Jr., and Mary Scudder; and

**WHEREAS**, the Agreement has been executed by Townsend Scudder, Jr., and Mary Scudder; and

**WHEREAS**, the Agreement calls for a total purchase price of \$886,000.00 (\$570,000.00 for the fee acquisition of Block 167, Lot 10.01, consisting of 20.746 acres, and \$316,000.00 for the conservation easement over Block 167, Lot 10, consisting of 21.449 acres); 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 ninety (90) 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 Department of Environmental Protection Green Acres Program (“Green Acres Program”); and

**WHEREAS**, the Green Acres Program may require that the Property be encumbered with certain Green Acres restrictions or require an assignment to receive reimbursement; and

**WHEREAS**, the Township Committee desires to adopt this Ordinance to authorize the purchase of the Property, authorize the funding for the purchase of the Property, and authorize seeking reimbursement from the Green Acres Program.

**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 purchase the Property and expend money from the Trust Fund for the purpose of purchasing the Property.

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 Property and a Conservation Easement” for the purchase of Block 167, Lot 10.01 in fee, and to acquire a conservation easement over Block 167, Lot 10, for the total purchase price of \$886,000.00.

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

4. The Township Administrator and Township Attorney are hereby directed to apply to the Green Acres Program for reimbursement of all or a portion of the purchase price; to seek reimbursement from the Land Trust; and to take all action necessary to accomplish these goals.

5. There is hereby authorized an appropriation in the amount of \$886,000.00 from the Trust Fund for the purchase of the Property 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. This Ordinance shall take effect upon its final passage and publication according to law.

ATTEST:

TOWNSHIP OF HILLSBOROUGH:

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Kevin P. Davis, Township Clerk

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Anthony Ferrera, Mayor

*Introduced: 1/22/08*  
*Published: 1/31/08*  
*Public Hearing: 2/26/08*  
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