

**EXPLANATION:** This Ordinance authorizes the Mayor and Clerk to execute an Agreement for Purchase and Sale of Real Estate with the Executors of the Estate of Rudy Burshnic and James Shamro for the sale of their property known as Block 167, Lots 13.01, 13.02 and 13.03, to the Township of Hillsborough and authorizes an appropriation in the amount of \$800,000.00 from the Open Space Trust Fund.

**ORDINANCE 2006- 01**

**AN ORDINANCE AUTHORIZING HILLSBOROUGH TOWNSHIP TO PURCHASE LOTS 13.01, 13.02 AND 13.03 IN BLOCK 167 FROM THE EXECUTORS OF THE ESTATE OF RUDY BURSHNIC AND JAMES SHAMRO AND AUTHORIZING AN APPROPRIATION IN THE AMOUNT OF \$800,000.00 FROM THE OPEN SPACE TRUST FUND.**

**WHEREAS**, the Township of Hillsborough negotiated with the Executors of the Estate of Rudy Burshnic and James Shamro to purchase their property known as Lots 13.01, 13.02 and 13.03 in Block 167 (“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 which is subject to the approval and ratification of the Township Committee; and

**WHEREAS**, the Township Attorney drafted an Agreement for the Purchase and Sale of Real Estate of the Property which Agreement was reviewed, revised and approved by the attorney for the Executors of the Estate of Rudy Burshnic and James Shamro; and

**WHEREAS**, the Agreement has been executed by the Executors of the Estate of Rudy Burshnic and James Shamro; and

**WHEREAS**, the Agreement calls for a purchase price of \$800,000.00; and

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

**WHEREAS**, the Township Committee has 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 and 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 Lot 13.01 within ninety (90) days from the Effective Date of the Agreement, and to close Lots 13.02 and 13.03 on or about October 31, 2006; and

**WHEREAS**, the Open Space Advisory Committee recommended the acquisition of the aforesaid 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 Committee desires to adopt this Ordinance as the vehicle for the purchase of the Property;

**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 expend monies 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 Trust Fund monies for this purchase, to execute the Agreement for the Purchase and Sale of Real Estate which has been reviewed and approved by the Township Committee for the purchase of Lots 13.01, 13.02 and 13.03 in Block 167 for the total purchase price of \$800,000.00.

3. The Township Administrator and Township Attorney are hereby directed to take all required action to satisfy all contingencies contained in the Agreement and to arrange to close Lot 13.01 within ninety (90) days from the Effective Date of the Agreement, and to close Lots 13.02 and 13.03 on or about October 31, 2006.

4. There is hereby authorized an appropriation in the amount of \$800,000.00 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 in the files of the Township Clerk.

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

Introduced:  
Published:  
Public Hearing:  
Adopted:  
Published:

**ATTEST:**

**HILLSBOROUGH TOWNSHIP COMMITTEE**

By: \_\_\_\_\_  
**Kevin P. Davis,**  
**Township Administrator/Clerk**

By: \_\_\_\_\_  
**Carl Suraci, Mayor**