

EXPLANATION: This Ordinance authorizes the Mayor and Clerk to execute an Agreement for Sale and Purchase of a Development Easement with Rose Zamek, individually, and as Trustee under the Last Will and Testament of Frank J. Zamek, Deceased, for the sale of easements on her property known as Block 168, Lot 12, to the Township of Hillsborough and authorizes an appropriation in the amount of \$899,000.00 from the Open Space Trust Fund.

ORDINANCE 2006-23

AN ORDINANCE AUTHORIZING HILLSBOROUGH TOWNSHIP TO ACQUIRE EASEMENTS ON LOT 12 IN BLOCK 168 FROM ROSE ZAMEK, INDIVIDUALLY, AND AS TRUSTEE UNDER THE LAST WILL AND TESTAMENT OF FRANK J. ZAMEK, DECEASED, AND AUTHORIZING AN APPROPRIATION IN THE AMOUNT OF \$899,000.00 FROM THE OPEN SPACE TRUST FUND.

WHEREAS, the Township of Hillsborough negotiated with Rose Zamek, individually, and as Trustee under the Last Will and Testament of Frank J. Zamek, Deceased, to acquire easements on her property known as Lot 12 in Block 168 (“Property”) for agricultural use and production in compliance with N.J.S.A. 4:1C-11 et seq., and a hiking and pedestrian easement 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 Sale and Purchase of a Development Easement (“Agreement”) on the Property which Agreement was reviewed, revised and approved by the attorney for Rose Zamek, individually, and as Trustee under the Last Will and Testament of Frank J. Zamek, Deceased; and

WHEREAS, the Agreement has been executed by Rose Zamek, individually, and as Trustee under the Last Will and Testament of Frank J. Zamek, Deceased; and

WHEREAS, the Agreement calls for a purchase price of \$20,350.00 per acre; and

WHEREAS, the approximate acreage to be encumbered by the easements is 44.13 acres for an estimated purchase price of \$899,000.00; and

WHEREAS, the purchase price for the final total acreage to be encumbered is contingent upon a final survey of the Property; 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 within the period set forth in the Agreement; and

WHEREAS, the Open Space Advisory Committee recommended the acquisition of the aforesaid easements 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 Trust Fund; and

WHEREAS, the Township Committee desires to adopt this Ordinance as the vehicle for the purchase easements on the Property;

WHEREAS, the Township Committee filed an application with the State of New Jersey Agriculture Development Committee (“SADC”) to participate in the State’s Planning Incentive Grant (“PIG”) Program; and

WHEREAS, on the PIG Application, the Property was shown as a property which would be enrolled in the PIG Program in exchange for partial reimbursement of the purchase price; and

WHEREAS, it is the intention of the Township to assign to the County of Somerset the Deed of Easement for that portion of the Property which will be enrolled in the PIG Program; and

WHEREAS, the Local Lands and Building Law, N.J.S.A. 40A:12-13(b)(1) and N.J.S.A. 40A:12-13.4, authorize 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 expend monies from the Trust Fund for the purpose of purchasing easements on 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 which has been reviewed and approved by the Township Committee for the acquisition of easements on Lot 12 in Block 168 for an estimated purchase price of \$899,000.00.

3. The Township Administrator and Attorney are hereby directed to take all required action to satisfy all contingencies contained in the Agreement and to arrange to close on the Property within the period set forth in the Agreement.

4. There is hereby authorized an appropriation in the amount of \$899,000.00 from the Trust Fund for the purchase of easements on 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. The Township Mayor, Clerk and Attorney are hereby authorized to take any action necessary to assign the PIG Deed of Easement to the County of Somerset in exchange for partial reimbursement of the purchase price.

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

Introduced: June 13, 2006

Intro. Notice: June 22, 2006

Public Hearing: July 11, 2006

Adopted: July 11, 2006

Adoption Notice: July 20, 2006

ATTEST:

HILLSBOROUGH TOWNSHIP COMMITTEE

Kevin P. Davis, Clerk

By: _____
Carl Suraci, Mayor