

**TOWNSHIP OF MONTGOMERY
SOMERSET COUNTY, NEW JERSEY**

ORDINANCE #24-1727

AN ORDINANCE OF THE TOWNSHIP OF MONTGOMERY IN SOMERSET COUNTY, NEW JERSEY PROVIDING FOR THE ACQUISITION OF BLOCK 34001, LOT 40 LOCATED ON CHERRY VALLEY ROAD IN THE TOWNSHIP OF MONTGOMERY.

WHEREAS, the Township of Montgomery has established a Municipal Open Space, Recreation, Farmland and Historic Preservation Trust (the “**Trust**”), as permitted by P.L. 1997, c. 24; and

WHEREAS, monies from the Trust shall be used for the acquisition of lands for recreation, conservation, farmland and historic preservation, and the development and maintenance of lands acquired for recreation and conservation purposes, and the payment of debt service on indebtedness issued or incurred for these purposes; and

WHEREAS, the acquisition of property known as Block 34001, Lot 40, (Montgomery Township Tax Assessment Maps rev. ed. 2023) located on Cherry Valley Road (hereinafter the “**Property**”), by the Township of Montgomery (hereinafter the “**Township**”), will further the aforesaid purposes by protecting and preserving open space, habitat, stream corridor, contiguous forest and proximity to other preserved lands; and

WHEREAS, it is anticipated that the cost of acquiring the Property will be funded by the Trust; and

WHEREAS, the cost of acquiring the Property shall be One Hundred and Fifty Thousand Dollars (\$150,000.00), it being anticipated, subject to adjustment based upon a final survey, that 12.228± acres of the Property will be acquired.

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

Section 1. Acquisition of Block 34001, Lot 40 by Purchase. Pursuant to *N.J.S.A. 40A:12-13 et seq.*, the acquisition of Block 34001, Lot 40, in furtherance of the above-stated multiple purposes, for the sum of One Hundred and Fifty Thousand Dollars (\$150,000.00) is hereby authorized. In addition, the expenditure of up to forty thousand dollars (\$40,000.00) for surveys, title insurance and searches, recording fees, environmental assessments, attorney fees and other usual closing costs as authorized by the Chief Financial Officer is authorized. Payment of said purchase price and costs associated therewith shall be made through the Trust.

Section 2. Authority to Execute Documents and to Undertake All Acts Necessary to Effectuate the Purposes of this Ordinance. The Mayor, Chief Financial Officer, Clerk, Administrator, Township Attorney and other appropriate staff are hereby authorized to enter into a contract with the owner of the Property on behalf of the Township for the purposes described herein and further, to execute any and all documents and acts as may be reasonably necessary to effectuate the purposes of this ordinance. This grant of authority shall include the authority to make non-material changes to the terms described herein as may be reasonably appropriate to close title on the Property.

Section 3. Repealer. All ordinances and resolutions or parts thereof, inconsistent with this ordinance are hereby repealed.

Section 4. Severability. If any section, paragraph, subsection, clause or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and remainder of this ordinance shall be valid and enforceable.

Section 5. Effective Date. This ordinance shall take effect upon final adoption and publication in accordance with law.

ATTEST:

**TOWNSHIP OF MONTGOMERY
COUNTY OF SOMERSET**

Lisa Fania, RMC
Township Clerk

Neena Singh
Mayor

NOTICE OF PENDING ORDINANCE

PLEASE TAKE NOTICE that the foregoing ordinance was introduced and passed on first reading by the Township Committee of the Township of Montgomery, County of Somerset, New Jersey at a meeting held on April 18, 2024 and the same was then ordered to be published according to law with a public hearing and a vote scheduled for the meeting of May 2, 2024 beginning at 7:00 p.m. at the Municipal Building, 100 Community Drive, Skillman, NJ at which time all interested persons will be heard. Copies of the ordinance can be obtained, without cost, by any member of the general public at the Municipal Clerk's office between the hours of 8:00 a.m. and 4:30 p.m.

Lisa Fania, RMC
Township Clerk