

**TOWNSHIP OF MONTGOMERY
ORDINANCE NO. 22-1692**

**AN ORDINANCE OF THE TOWNSHIP
OF MONTGOMERY IN SOMERSET
COUNTY, NEW JERSEY PROVIDING
FOR THE ACQUISITION OF BLOCK
11002, LOT 38 LOCATED AT 47 ROCK
MILL RUN 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;

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;

WHEREAS, the acquisition of property known as Block 11002, Lot 38, (Montgomery Township Tax Assessment Maps rev. ed. 2021) located at 47 Rock Mill Run 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, proximity to other preserved lands and location in the environmentally sensitive and important Sourland Mountain region; and

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

WHEREAS, the cost of acquiring the Property shall be One Hundred and Fifty Seven Thousand Dollars (\$157,000.00), it being anticipated, subject to adjustment based upon a final survey, that 7.609± 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 11002, Lot 38 by Purchase. Pursuant to *N.J.S.A. 40A:12-13 et seq.*, the acquisition of Block 11002, Lot 38, in furtherance of the above-stated multiple purposes, for the sum of One Hundred and Fifty Seven Thousand Dollars (\$157,000.00) is hereby authorized. In addition, the expenditure of up to thirty thousand dollars (\$30,000.00) 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.