

WEST AMWELL TOWNSHIP
Ordinance 8, 2013

AN ORDINANCE AUTHORIZING THE ACQUISITION OF REAL PROPERTY KNOWN AS BLOCK 29, LOT 16 IN THE TOWNSHIP OF WEST AMWELL FROM WOODEN AND/OR D&R GREENWAY LAND TRUST, INC.

WHEREAS, there is within the Township of West Amwell (“the Township”), certain real property known as Block 29, Lot 16 on the official tax map of the Township (“the Property”) which is owned or about to be owned by the Estate of Walter Wooden and Debra Wooden (“Owner”) and consists of approximately 43+/- acres; and

WHEREAS, D&R Greenway Land Trust, Inc. (hereinafter “D&R Greenway”) entered into a contract with the Owner to purchase the Property for \$425,000.00 (after partial donation by the Owner), so as to preserve it for open space, conservation and recreation purposes; and

WHEREAS, D&R Greenway has requested that the Township partner with it in the acquisition, whereby the Township would use funding in the amount of \$140,300.00 available to it through the N.J. Green Acres Program, an \$85,000.00 grant made available to the Hunterdon Land Trust, a cash amount of \$27,900.00 from the Township’s open space trust fund and a partial donation from the Owner to purchase the Property by way of Assignment Agreement in exchange for a 62.3% ownership interest in the Property to be shared with D&R Greenway which will have a 37.7% ownership interest in the Property; and

WHEREAS, D&R Greenway and the Owner will split the technical costs for the project, specifically: title searches, filing fees, survey, appraisal and Phase I environmental report, and each party will be responsible for its own title insurance and legal costs; and

WHEREAS, the Township has determined that there is a need to acquire the Property for open space, conservation and passive recreation purposes, and to do so with partial funding from the N.J. Green Acres Program and the partnership with D&R Greenway and Hunterdon Land Trust, in consideration for which the Township is eligible to receive funding for the purchase price; and

WHEREAS, the Township is authorized to acquire to acquire property for public purposes, pursuant to *N.J.S.A. 40A: 12-1 et seq*; and

WHEREAS, the purchase is subject to and in accordance with the conditions set forth in the form Assignment Agreement with D&R Greenway and in the Contract of Sale, as may be amended, between D&R Greenway and the Owner, copies of both of which are on file with the Township Clerk; and

WHEREAS, the Township may be required by the County of Hunterdon to convey an approximately twenty percent (20%) interest in the property to the Hunterdon Land Trust in order to utilize the trust’s \$85,000 grant; and

WHEREAS, a Deed, Affidavit of Title and other necessary closing documents from the owner of the Property and/or D&R Greenway Land Trust, in accordance with New Jersey Green Acres Program policy, rules and regulations, shall be submitted to the Township upon closing of title on the Property.

NOW, THEREFORE BE IT ORDAINED by the Mayor and Township Committee of the Township of West Amwell, County of Hunterdon and State of New Jersey, as follows:

Section 1. The Township of West Amwell hereby authorizes the fee simple acquisition of a 62.3% interest in the property known as Block 29, Lot 16 for conservation, open space and passive recreation purposes from the Estate of Walter Wooden and Debra Wooden, to be co-owned with the D&R Greenway Land Trust, as to a 37.7 % interest, by way of Assignment Agreement with D&R Greenway, Inc. for the cost share amount of \$255,000.00, which Agreement is also hereby authorized, subject to any adjustment as permitted in the contract and contingent upon the Township's receipt of funding from the N.J. Green Acres Program and the successful adoption of an appropriate funding ordinance by the Township for the cash portion, Hunterdon Land Trust's receipt of a County grant, and an acceptable agreement being entered into among the Township of West Amwell, D&R Greenway and Hunterdon Land Trust, and further contingent on the D&R Greenway's receipt of the necessary funding to enable its proportionate interest in the Property.

Section 2. In addition to the above, the Township of West Amwell also authorizes and accepts a partial donation from the Owner in the amount of \$25,600.00 towards the acquisition.

Section 3. The Township of West Amwell further authorizes the fee simple conveyance of up to a 20% interest in the property to Hunterdon Land Trust if needed for funding purposes and may also accept a conveyance from the Hunterdon Land Trust..

Section 4. On behalf of the Township Committee of the Township of West Amwell, the Mayor, Deputy Mayor, Township Clerk and Attorney, as appropriate, are hereby authorized and directed to take all reasonable and lawful steps including preparation and execution of any and all documentation necessary to purchase the above-described interest in the Property and obtain clear title, including the Assignment Agreement with D&R Greenway, a conveyance of up to a twenty 20% interest to and/or from the Hunterdon Land Trust and any applicable management agreements with D&R Greenway and/or Hunterdon Land Trust, and any and all documentation needed to close the transaction and process the funding request through the NJ Green Acres program, County of Hunterdon Open Space Program, effectuate acceptance of the Deed to the Property, and record same with the Hunterdon County Clerk's office.

Section 5. If the provision of any article, section, subsection, paragraph, subdivision or clause of this Ordinance shall be judged invalid by any Court of competent jurisdiction, such Order or Judgment shall not affect or invalidate the remainder of any such article, section, subsection, paragraph or clause and, to this end, the provisions of this Ordinance are hereby declared to be severable.

Section 6. All ordinances or parts of ordinances deemed to be inconsistent with this Ordinance are hereby repealed.

Section 7. This ordinance shall take effect immediately upon final adoption and publication pursuant to the laws of the State of New Jersey.

BY ORDER OF THE TOWNSHIP COMMITTEE

Zachary T. Rich, Mayor

ATTEST:

Lora L. Olsen, RMC
Township Clerk

NOTICE OF PENDING ORDINANCE

The Ordinance published herewith was introduced and passed on first reading at a meeting of the governing body of the Township of West Amwell, in the County of Hunterdon, State of New Jersey, held on June 26, 2013. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held in the municipal building, 150 Rocktown-Lamb. Rd., Lambertville NJ on July 24, 2013 at 7:00 p.m. All interested parties will be heard at this time.