

**WEST AMWELL TOWNSHIP**  
**Ordinance 21, 2011**

**AN ORDINANCE AUTHORIZING THE ACQUISITION OF REAL PROPERTY KNOWN AS BLOCK 32, LOT 21.01 IN THE TOWNSHIP OF WEST AMWELL FROM ADAM 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 32, Lot 21.01 on the official tax map of the Township (“the Property”) which is owned by Laszlo and Eleanor Adam (“Owner”) and consists of approximately 21.86+/- 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 \$171,225.00 (after partial charitable contribution), 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 \$171,225.00 available to it through the N.J.Green Acres Program to purchase the Property by way of Assignment Agreement in exchange for a 100% ownership interest; and

**WHEREAS**, D&R Greenway will bear the technical costs for the project, specifically: title, survey, appraisal and Phase I environmental report; 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 through the N.J. Green Acres Program in consideration for which the Township is eligible to receive 100% 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 amended, between D&R Greenway and the Owner, copies of both of which are on file with the Township Clerk; 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 the property known as Block 32, Lot 21.01 for conservation, open space and passive recreation

purposes from from Laszlo and Eleanor Adam, by way of Assignment Agreement with D&R Greenway Land Trust, Inc. for the amount of \$171,225.00, which Agreement is also hereby authorized, subject to adjustment as permitted in the contract and contingent upon the Township's receipt of funding from the N.J. Green Acres Program in the same amount.

**Section 2.** 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 effectuate the purchase of the Property including the Assignment Agreement, and all necessary closing documentation, documentation needed to process the funding request through the NJ Green Acres program, acceptance of the Deed to the Property, and recording of same with the Hunterdon County Clerk's office.

**Section 3.** 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 4.** All ordinances or parts of ordinances deemed to be inconsistent with this Ordinance are hereby repealed.

**Section 5.** This ordinance shall take effect immediately upon final adoption and publication pursuant to the laws of the State of New Jersey.

APPROVED BY TOWNSHIP COMMITTEE

ATTEST:

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LORA L. OLSEN, Township Clerk

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THOMAS J. MOLNAR, Mayor

#### 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 November 23, 2011. 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 December 7, 2011 at 7:00 p.m. All interested parties will be heard at this time.