

**TOWNSHIP OF MONTGOMERY  
ORDINANCE NO. 18-1569**

**AN ORDINANCE OF THE TOWNSHIP  
OF MONTGOMERY IN SOMERSET  
COUNTY, NEW JERSEY, PROVIDING  
FOR THE ACQUISITION OF LOT 7,  
BLOCK 10001 “TARZIA PROPERTY,”  
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**, Lot 7, Block 10001 (Tax Assessment Maps rev. ed. 2017), comprising 4.6± acres and located on Dutchtown-Zion Road (the “**Property**”) abuts previously preserved Township open space areas, is proximate to the Rock Brook, and the acquisition of the Property by the Township will facilitate enjoyment and use of the abutting preserved lands, as well as preserve contiguous forested area in the Sourland Mountains region;

**WHEREAS**, the Property furthers the purposes for which the Trust was established by, among other things, protecting natural resources, preserving woodlands, augmenting pathway links, and promoting passive recreational opportunities;

**WHEREAS**, it is anticipated that the cost of acquisition of interests in the Property will be funded by the Trust;

**WHEREAS**, the cost of acquiring the interests in the Property, together with title, surveys, legal, environmental assessments and usual closing cost fees shall not exceed \$282,500.00;

**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 Property Authorized.** Pursuant to *N.J.S.A.* 40A:12-13 *et seq.*, the acquisition by of the Property, in furtherance of the above-stated multiple purposes, for the sum of two hundred sixty-seven thousand, five hundred dollars (\$267,500.00), is hereby authorized. In addition, the expenditure of up to fifteen thousand

dollars (\$15,000.00) 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 the 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 owners 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 4. Repealer.** All ordinances and resolutions, or parts thereof, inconsistent with this ordinance are hereby repealed.

**Section 5. 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 6. Effective Date.** This ordinance shall take effect upon final adoption and publication in accordance with law.