TOWNSHIP OF RARITAN
COUNTY OF HUNTERDON, NEW JERSEY

ORDINANCE #19-31

AN ORDINANCE OF THE TOWNSHIP OF RARITAN, COUNTY OF HUNTERDON, STATE OF NEW JERSEY, AUTHORIZING THE ACQUISITION OF THAT PROPERTY KNOWN AS BLOCK 21, LOT 16, AS SHOWN ON THE TAX MAP OF THE TOWNSHIP OF RARITAN, FROM CARIANNE HOYLE AND APPROPRIATING THE NECESSARY FUNDS

WHEREAS, the Township of Raritan was offered the opportunity to acquire fifty percent (50%) of that property known as Block 21, Lot 16 ("Property") on the Tax Map of the Township of Raritan, for recreation and open space by partial assignment from the New Jersey Conservation Foundation ("NJCF"); and

WHEREAS, the NJCF would obtain a fifty percent (50%) interest in the Property; and

WHEREAS, the Property offered to the Township consists of a gross area of approximately 42± acres to be subject to a Deed of Conservation Restriction limiting the use of the Property to recreation and open space purposes; and

WHEREAS, title to the Property is currently vested to the Estate of Warren J. Etzel; and

WHEREAS, Mr. Etzel passed away on April 4, 2018 and letters testamentary were issued on May 11, 2019 by the Register of Wills of Bucks County Pennsylvania for Mr. Etzel's Estate; and

WHEREAS, Mr. Etzel's last will and testament names Carianne Hoyle as recipient of the Property although title has not officially been transferred to Ms. Hoyle's name; and

WHEREAS, the contract purchaser, NJCF, entered into an Option Agreement for Purchase of the Property with Carianne Hoyle and agreed to assign a fifty percent (50%) interest in the Property to the Township for a contribution of a Green Acres Program grant and Hunterdon County Open Space Trust Fund grant totaling $147,500.00; and

WHEREAS, once the Property is restricted for open space and recreation use at closing of title, the Township no longer needs to hold an interest in the Property and may convey its interest to NJCF; and

WHEREAS, NJCF assembled various funding sources for the purchase price of the Property as follows:

Source of Funds
New Jersey Conservation Foundation
Department of Environmental Protection, Green Acres Program
Township of Raritan
County of Hunterdon Open Space Trust Fund; and

WHEREAS, upon closing the Township will take title to the Property as required by the New Jersey Green Acres program; and

WHEREAS, the NJCF and Township will acquire title to the Property, fifty percent (50%) to the Township and fifty percent (50%) to NJCF; and

WHEREAS, however, through a conveyance by the Township of its percentage interest in the Property at closing to NJCF, NJCF will own 100% of the Property; and

WHEREAS, the acquisition of the Property is contingent upon the funding sources contributing the full purchase price for the property; and

WHEREAS, the Township's portion of the funding is from the following sources:

Party	**Source of Funds**	**Amount**
Township	Green Acres Grant	$147,500.00
NJCF	Hunterdon County Open Space Trust Fund	$147,500.00
Total		$295,000.00

WHEREAS, the Township desires to acquire title to the Property in the approximate percentage described above and then immediately convey its interest to the NJCF; and

WHEREAS, the Township plans to appropriate $147,500.00 from a Green Acres Program grant and NJCF plans to appropriate $147,500.00 from the Hunterdon County Open Space Trust Fund for a total of $295,000.00 for the purposes described in this Ordinance; and

WHEREAS, the Township's willingness to purchase the Property is contingent upon the appropriation of funds by the New Jersey Legislature to fund the Township's Green Acres Grant.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Raritan, County of Hunterdon, State of New Jersey, as follows:

1. The Township of Raritan hereby approves and authorizes the Township's Mayor, Administrator, Clerk and Attorney to execute any and all documents necessary to consummate the acquisition of the Property pursuant to the term of this Ordinance, including but not limited to:

a) Assignment of Interest in Unimproved Real Property;

b) Deed to New Jersey Conservation Foundation;

c) Declaration of Conservation Restrictions;

d) Closing Statement;

e) Reimbursement vouchers or other similar payment request; and

f) Such other documents as are necessary to consummate this transaction.

2. Appropriate up to $147,500.00 from a Green Acres Program grant allocated to the Township for its share to acquire the Property.

3. The documents described in Paragraph 1 above shall provide the following:

a) Title shall be by Bargain and Sale Deed with Covenants against Grantor's Acts, with the New Jersey Conservation Foundation and Township owning the Property in the approximate percentages stated above as tenants in common, subject to the Declaration of Conservation Restrictions.

b) The Township conveying its interest in the Property to the New Jersey Conservation Foundation, subject to the Declaration of Conservation Restrictions.

c) The closing shall be contingent upon the funding as described above.

d) Title shall be subject to a restrictive covenant limiting the use of the Property to recreation and open space purposes.

4. This Ordinance shall take effect in accordance with law.

DATE ADOPTED: November 18, 2019

ATTEST:

Lisa Fania

Lisa Fania, RMC
Township Clerk

TOWNSHIP COMMITTEE OF THE TOWNSHIP OF RARITAN

Jeff Kuhl

Jeff Kuhl
Mayor