

**TOWNSHIP OF WARREN
ORDINANCE NO. 10-12**

AN ORDINANCE AUTHORIZING WARREN TOWNSHIP TO APPROPRIATE \$850,000 TO ACQUIRE, JOINTLY WITH THE COUNTY OF SOMERSET, APPROXIMATELY 55 ACRES OF LAND, KNOWN AS A PORTION OF LOTS 9.09 and 9.10 IN BLOCK 198 FROM WARREN HOV PARCEL 3, LLC FOR OPEN SPACE PURPOSES

WHEREAS, the Township of Warren ("Township") and the County of Somerset (the "County") have authorized the execution of a Contract for Sale of Real Estate (the "Contract") with Warren HOV Parcel 3, LLC (the "Seller"), to acquire for open space purposes approximately 55 acres of land identified as "Acquisition Land" in the Contract, which land forms a part of Lots 9.09 and 9.10 in Block 198, situated in the Township of Warren (the "Property"); and

WHEREAS, the Contract calls for a purchase price of One Million Six Hundred Thousand (\$1,600,000.00) Dollars; and

WHEREAS, the Township intends to acquire the Property in concert with the County, with each governmental entity contributing fifty (50%) percent of the total purchase price toward the purchase of the Property; and

WHEREAS, the Township will fund its fifty (50%) percent purchase price through its Open Space Trust Fund; and

WHEREAS, the acquisition is subject to certain contingencies which must be satisfied before closing of title; and

WHEREAS, the Township Committee of the Township of Warren desires to (a) acquire the Property, (b) authorize the Mayor, Township Attorney and Township Clerk to execute any and all required documents for the closing, and (c) authorize the Township Attorney to take all required action in concert with County Counsel to satisfy all contingencies contained in the Contract in order to close within the period set forth in the Contract; and

WHEREAS, the Local Lands and Building Law, N.J.S.A. 40A:12-1, et seq., authorizes the Township to acquire land which will serve a public purpose; namely, for open space purposes.

WHEREAS, the Project is an authorized use of the Trust Fund Pursuant to Section 2-35.1 of the Township General Ordinances for the purchase of property; and

WHEREAS, The Township Committee finds it in the best interest of the Township, and desires to adopt this Ordinance authorizing the appropriation of funds the purchase of property.

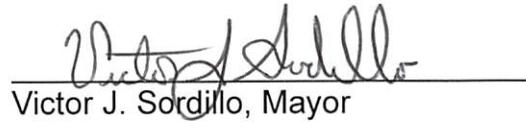
NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Warren, in the County of Somerset, and State of New Jersey, as follows:

1. This Ordinance, upon final adoption, shall authorize the Township of Warren to expend monies from the Township's Open Space Trust Fund for the purpose of purchasing the Property in the total amount of Eight Hundred Fifty Thousand \$850,000.00 Dollars, in order to provide for its share of the purchase price, namely Eight Hundred Thousand (\$800,000) Dollars, plus the sum of Fifty Thousand (\$50,000) Dollars from said Open Space Trust Fund to cover soft costs (legal fees, title work, etc), subject to the terms and conditions of the Contract.
2. An appropriation in the amount of Eight Hundred and Fifty Thousand (\$850,000.00) Dollars from the Trust Fund is hereby authorized to cover the project. The Township Chief Financial Officer shall, prior to the effective date of this Ordinance, file with the Township Clerk, a statement certifying that sufficient funds are available in the Trust Fund to make this appropriation. The original certification shall be attached to the original of this Ordinance and shall be kept in the files of the Township Clerk.
3. The Capital Budget of the Township of Warren is hereby amended to conform with the provisions of this Ordinance to the extent of any inconsistencies there with.
4. The Township Attorney is hereby directed to take all required action to satisfy all contingencies contained in the Contract and to arrange to close on the Property within the period set forth in the Contract.
5. The Mayor, Township Attorney and Township Clerk are hereby authorized to sign any and all documents to effectuate the closing, and to take any action necessary to acquire the Property pursuant to the terms of the Contract.
6. This Ordinance shall take effect immediately upon final passage and publication according to law

ATTEST:

WARREN TOWNSHIP


Patricia A. DiRocco, RMC,
Township Clerk


Victor J. Sordillo, Mayor

INTRODUCED JUNE 17, 2010
ADOPTED July 15, 2010
EFFECTIVE July 22, 2010