

EXPLANATION: This Ordinance authorizes the Township of Warren to purchase Block 55, Lot 13 from Alfonse R. Montefusco and Christine L. Montefusco and authorizes an appropriation in an amount not to exceed \$1,540,000 from the Warren Township Open Space Trust Fund.

**TOWNSHIP OF WARREN
ORDINANCE NO. 20-09**

**AN ORDINANCE AUTHORIZING THE TOWNSHIP OF WARREN TO
PURCHASE BLOCK 55, LOT 13 FROM ALFONSE R. MONTEFUSCO AND
CHRISTINE L. MONTEFUSCO AND AUTHORIZING AN
APPROPRIATION IN AN AMOUNT NOT TO EXCEED \$1,540,000 FROM
THE WARREN TOWNSHIP OPEN SPACE TRUST FUND.**

WHEREAS, the Township of Warren determined that it would be in the public interest to purchase (the “Purchase”) Block 55, Lot 13 (the “Property”) from Alfonse R. Montefusco and Christine L. Montefusco for open space and conservation or similar uses as authorized in N.J.S.A. 40A:12-1 et seq.; and

WHEREAS, the Township Attorney negotiated a Purchase Agreement (the “Purchase Agreement”) for purchase of the Property from Alfonse R. Montefusco and Christine L. Montefusco which sets forth the terms and conditions of the Purchase; and

WHEREAS, the Purchase Agreement calls for a total purchase price in an amount not to exceed \$1,500,000 for the Property; and

WHEREAS, the Township Committee reviewed the Purchase Agreement and wishes to authorize its execution by the Mayor and Clerk; and

WHEREAS, the Township Committee desires to authorize the Township Administrator, Clerk and Attorney to take all required action to satisfy all contingencies contained in the Contract and to take prepare all ancillary documents to effectuate the purchase of the Property; and

WHEREAS, the Township will fund the purchase price through the Warren Township Open Space Trust Fund (the “Open Space Trust Fund”); and

WHEREAS, the Township Committee desires to adopt this Ordinance to authorize the acquisition of the Property, authorize the funding for the acquisition of the Property, and authorize allocating funds from the Open Space Trust Fund; and

WHEREAS, the Township Committee desires to authorize the Township Administrator, Clerk and Attorney to obtain all necessary studies, including title searches, surveys and Phase I Environmental Site Assessment; and

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 do the following:

- a. To acquire the Property;
- b. To execute the Purchase Agreement and any other documents that may be required to acquire the Property;
- c. To fund the acquisition of the Property; and
- d. To permit the Township Administrator and Township Attorney to take all action required to acquire the Property, including but not limited to, obtaining all necessary title searches, surveys, inspections and environmental investigations of the Property as required.

2. The Mayor and Township Clerk are hereby authorized to execute the Purchase Agreement as well as any other documents necessary to acquire the Property for a total purchase price of \$1,500,000.

3. The Township Clerk and Township Attorney are hereby authorized to take all action required to acquire the Property, including, but not limited to, obtaining all necessary title searches, title insurance, surveys, inspections and environmental investigations of the Property.

4. An appropriation in the amount of \$1,500,000 from the Open Space Trust Fund is hereby authorized for the purchase of the Property, and an appropriation in an amount not to exceed \$40,000 is hereby authorized from the Open Space Trust Fund for due diligence purposes.

5. The Chief Financial Officer certifies that funds to pay for these appropriations at a maximum dollar amount of \$1,540,000 are available in Account No. 0-03-286-56-2401. A Certification of Available Funds shall be provided by the Chief Financial Officer and is attached hereto and made a part hereof.

6. This Ordinance shall take effect upon its final passage and publication according to law.

Attest:

TOWNSHIP OF WARREN

Cathy Reese, RMC

Michael C. Marion, Mayor

INTRODUCED: April 16, 2020
 ADOPTED: May 14, 2020
 EFFECTIVE: May 21, 2020