

**BOROUGH OF FRENCHTOWN
COUNTY OF HUNTERDON
ORDINANCE #881**

**AN ORDINANCE AUTHORIZING THE BOROUGH OF FRENCHTOWN TO ACCEPT
FROM THE NEW JERSEY CONSERVATION FOUNDATION AN ASSIGNMENT
OF AN OPTION TO PURCHASE BLOCK 17, LOTS 2, 2.02 AND 2.05
IN THE BOROUGH FROM THOMPSON REALTY CO. OF PRINCETON, INC.
FOR \$11,347.13 PER ACRE MULTIPLIED BY THE NET ELIGIBLE
ACREAGE AND AUTHORIZING AN APPROPRIATION IN AN AMOUNT NOT
TO EXCEED \$1,000.000.00**

WHEREAS, the New Jersey Conservation Foundation ("NJCF") negotiated with Thompson Realty Co. of Princeton, Inc. ("Thompson") for an Option Agreement for Purchase of Property ("Option Agreement") known as Block 17, Lots 2, 2.02 and 2.05 ("Property") consisting of approximately 71.04 acres, subject to verification by a survey, in the Borough of Frenchtown ("Borough") for open space, conservation and recreation or similar uses as authorized in N.J.S.A. 40A:12-1, et seq.; and

WHEREAS, the Option Agreement provides that the purchase price for the Property shall not exceed \$1,000,000.00 provided that the New Jersey Green Acres Program ("Green Acres") certifies the market value between a low of \$11,000.00 and a high of no more than \$14,000.00 per acre; and

WHEREAS, the NJCF caused two (2) appraisals of the Property to be performed by Norman J. Goldberg, Inc., and Ronald A. Curini Appraisal Company, Inc. ("Appraisals"); and

WHEREAS, the NJCF submitted the Appraisals to Green Acres for review and to certify the market value; and

WHEREAS, Green Acres certified the market value as \$11,347.13 per acre; and

WHEREAS, because the final purchase price cannot be determined until a survey of the Property is performed and the net eligible acreage is determined, the purchase price for the Property cannot be established at this time but will be before closing; and

WHEREAS, the NJCF and Borough believe that the final purchase price will be less than \$1,000,000.00 based upon the anticipated net eligible acreage; and

WHEREAS, Green Acres allocated a grant to the Borough of up to \$500,000.00 for the purchase price of the Property and the DEP and Borough entered into a Green Acres Project Agreement, File No. 1011-19-082; and

WHEREAS, the Board of County Commissioners of the County of Hunterdon ("County") by Resolution 2021-539 allocated a grant to the Borough of up to \$500,000.00 for the purchase of the Property; and

WHEREAS, there are sufficient funds in the Borough Open Space Fund to pay for due diligence up to \$14,000.00, with the NJCF contributing up to \$14,000.00 for due diligence costs; and

WHEREAS, the Borough will fund the purchase price through the grants from Green Acres and the County, and use Borough Open Space

Trust Funds (Funding Sources"), as described above, and

WHEREAS, because the Green Acres certified market value of the Property was within the range provided in the Option Agreement, the NJCF exercised the Option Agreement and assigned the Option Agreement to the Borough, and;

WHEREAS, the NJCF will continue to pursue the preparation of a survey and a Preliminary Assessment Report for the Property; and

WHEREAS, the Borough will fund the purchase price, due diligence and closing costs through the Funding Sources; and

WHEREAS, the Borough Mayor and Council desire to adopt this Ordinance to authorize the appropriation from the Funding Sources for the acquisition of the Property; and

WHEREAS, the Borough Mayor and Common Council desire to authorize the NJCF, Mayor, Clerk and Attorney to obtain all necessary studies, including title searches, surveys and Preliminary Assessment Report consistent with Green Acres regulations; and

WHEREAS, it is the intention of the Mayor and Common Council, if necessary, to transfer, convey, assign, or restrict the Property as required by Green Acres and the County to receive the grant funds; and

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-13(b) (1) and N.J.S.A. 40A:12-13.4, authorizes the Borough to

transfer, if necessary, unneeded municipal interests in land to another governmental entity at a private sale provided that the property continues to serve a public purpose; namely, preserved for open space, conservation and recreation or similar uses as authorized in N.J.S.A. 40A:12-1 et seq.; and

WHEREAS, if required by the Funding Sources, the Borough will transfer any interest it may have in the Property to another governmental or not for profit entity for open space, conservation, recreation, or other similar use.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the Borough of Frenchtown, in the County of Hunterdon and State of New Jersey, as follows:

1. This Ordinance, upon final adoption, shall authorize the Borough of Frenchtown to acquire the Property, authorize appropriating the funds from the Funding Sources, authorize all necessary studies, including title searches, surveys, and a Preliminary Assessment Report consistent with Green Acres regulations and expend money from the Borough Open Space Trust Fund for due diligence and closing purposes.

2. The Borough Mayor and Clerk are hereby directed and authorized to utilize the Funding Sources for this purchase, execute an Assignment of Option for the purchase of the Property in an amount not to exceed \$1,000,000.00, and to expend money from the Borough Open Space Trust Fund for due diligence and closing

purposes.

3. The Borough Mayor, Clerk and Attorney are hereby directed to take all action required to satisfy the contingencies contained in the Assignment of Option and the Funding Sources.

4. The Borough Mayor, Clerk and Attorney are hereby directed to allocate all or a portion of the purchase price from Green Acres and the County of Hunterdon, and to take all action necessary for the Borough to receive reimbursement from the Funding Sources.

5. There is hereby authorized an appropriation in an amount not to exceed \$1,000,000.00 for the acquisition of the Property described in this Ordinance to be received from the Funding Sources. The Borough Acting Chief Financial Officer shall file with the Borough Clerk a statement certifying that sufficient funds are available to make this appropriation. The original certification shall be attached to this Ordinance and shall be kept on file with the Borough Clerk.

6. The Borough Mayor, Clerk and Attorney are hereby authorized to take any action necessary to transfer, convey, assign, if necessary, or restrict the Property as required by the Green Acres Program regulations to receive full or partial reimbursement of the purchase price from the Funding Sources.

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

ATTEST:

BOROUGH OF FRENCHTOWN

Brenda S. Shepherd, Clerk

By: Brad Myhre, Mayor