

**BOROUGH OF PENNINGTON
ORDINANCE NO. 2019 - 10**

**AN ORDINANCE BY THE BOROUGH OF PENNINGTON PURSUANT TO
N.J.S.A. 40A:12-3 ET SEQ. AUTHORIZING THE ACQUISITION OF A
PORTION OF BLOCK 1003, LOT 15 PENNINGTON BOROUGH TAX MAP IN
ORDER TO CREATE HOWE’S ARBORETUM AND APPROPRIATING THE
SUM OF \$50,000 FROM THE PENNINGTON BOROUGH OPEN SPACE FUND
FOR SAID ACQUISITION.**

WHEREAS, the Hopewell Valley Regional School District is the owner of a vacant lot designated as Block 1003, Lot 15 on the Pennington Borough Tax Map behind the Toll Gate School; and

WHEREAS, the Borough of Pennington wishes to acquire approximately 2.8 ± acres of said lot in order to create Howe’s Arboretum; and

WHEREAS, funding is available for this acquisition through the Borough of Pennington Open Space Fund and the utilization of New Jersey Department of Environmental Protection, Green Acres Program Funding; and

WHEREAS, N.J.S.A. 40A:12-3 et seq., the New Jersey Local Land and Buildings Law, authorizes the acquisition of real property by a municipality for a public purpose; and

WHEREAS, N.J.S.A. 40:12-15.7(a) authorizes a municipality with an Open Space Fund to utilize said funds for the acquisition of lands for recreation and conservation purposes; and

WHEREAS, funds are available for the acquisition of the above-referenced portion of Block 1003, Lot 15 Pennington Borough Tax Map from the Open Space fund for the creation of the Howe’s Arboretum together with anticipated New Jersey Department Environmental Protection, Green Acres Program funding.

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Pennington, County of Mercer, State of New Jersey as follows:

1. The Borough of Pennington is hereby authorized and directed to enter into an agreement with the Hopewell Valley Regional School District to acquire title to approximately 2.8 ± acres of land which are a portion of Block 1003, Lot 15 Pennington Borough Tax Map in order to develop the Howe’s Arboretum. The Mayor and Clerk of said Borough are hereby authorized and directed to execute and agreement whereby the consideration to be paid by the Borough to the Hopewell Valley Regional School District for said Property shall be in the amount not to exceed thirty four thousand (\$34,000.00) dollars based upon a per acre price of ten thousand (\$10,000.00) per acre.
2. The Borough of Pennington hereby appropriates the total sum of \$50,000.00 to facilitate the above-referenced authorized acquisition. In addition to the not to exceed thirty four thousand (\$34,000.00) dollar consideration to be paid to the Hopewell Valley Regional School District, the additional authorization of \$16,000.00 is intended to cover the cost of acquisition including but not limited to reimbursement to the Hopewell Valley Regional School District for legal services associated with the conveyance, payment to the attorney representing the Borough in connection with said acquisition including obtaining subdivision approval creating a new 2.8 ± acre lot from existing Lot 15, appraisal, surveying, title search and insurance and other miscellaneous expenses associated with the acquisition.

3. The total appropriation hereby authorized in the amount of \$50,000.00 shall be made available through the Pennington Borough Open Space Fund as permitted by law. The Borough anticipates participation in this acquisition through the New Jersey Department Environmental Protection, Green Acres Program. To the degree at Green Acres Funding is received, said funding shall be utilized to offset and contribute towards the cost of acquisition hereby authorized.
4. This Ordinance shall take effect upon its passage and publication as provided for by law.

Introduced: August 5, 2019

Advertised: August 9, 2019

Public Hearing: _____

Adopted: _____

Published: _____

ATTEST: APPROVED:

Elizabeth Sterling, Borough Clerk

Joseph Lawver, Mayor

RECORD OF COUNCIL VOTE ON INTRODUCTION									
COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Chandler	M				Marciante	X			
Gnatt	S				Mills				absent
Griffiths	X				Semple	X			

RECORD OF COUNCIL VOTE ON ADOPTION									
COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Chandler					Marciante				
Gnatt					Mills				
Griffiths					Semple				