

**TOWNSHIP OF HARDING
ORDINANCE NO. 03-14**

**ORDINANCE AUTHORIZING APPROPRIATION OF FUNDS
FROM THE OPEN SPACE TRUST FUND AND THE GREEN ACRE FUND
ACQUISITION OF CONSERVATION EASEMENT**

WHEREAS, the Harding Land Trust has engaged in negotiations with the Estate of Peter H. B. Frelinghuysen for the purchase of approximately 3.64 acres of open space consisting of Block 22, Lot 4.03, on the Tax Map of the Township of Harding, said parcel located along Sand Spring Lane (“Lot 4.03”); and

WHEREAS, the Township of Harding has determined that it is in the public interest for the Township to provide funding and otherwise participate with Harding Land Trust to acquire Lot 4.03 for recreation and open space purposes; and

WHEREAS, Harding Township has agreed to make available the remaining balance of its Green Acre funding in the amount of \$87,746 to be applied to the purchase of Lot 4.03, and

WHEREAS, the Harding Land Trust has procured Morris County Open Space funding for \$975,000 and has available Green Acre funding of \$202,156 (consisting of \$114,410 of Harding Land Trust Green Acre funding and \$87,746 of Harding Township Green Acre funding) of the \$1,300,000 purchase price for Lot 4.03; and

WHEREAS, Harding Township is the owner of Block 22, Lot 4.04, the adjoining property; and

WHEREAS, the Harding Open Space Trust Committee has recommended to the Township Committee the acquisition of a conservation easement over Lot 4.03 for a purchase price of \$122,844, which amount shall constitute the balance of the purchase price for the acquisition of Lot 4.03 by the Harding Land Trust; and

WHEREAS, a proposed Contract for the purchase of said easement by the Harding Land Trust is being prepared; and

WHEREAS, the Harding Land Trust has received an appraisal for the above property consistent with the purchase price of \$1,300,000 being paid for Lot 4.03; and.

WHEREAS, the Harding Open Space Trust Committee has further recommended to the Township that a License Agreement, revocable on one (1) year’s notice, be entered into by Harding Township and the Harding Land Trust for the management of Lot 4.03 and Lot 4.04 as a single property, including among others the following terms: (i) the Harding Land Trust shall have management and stewardship responsibility for both Lots 4.03 and 4.04; (ii) to the extent Lots 4.03 and 4.04 are maintained as open meadows/hay fields, each party shall pay its proportionate share of the ordinary maintenance expense, if any, for Lot 4.03 and Lot 4.04, which shall consist exclusively of mowing not more than three times per year; (iii) maintenance expenses other than for mowing not more than three (3) times per year shall be mutually agreed upon advance; and (iv) the Harding Open Space Trust Committee may recommend to the Township Committee the use of Open Space Trust receipts for other permitted use of Lots 4.03 and 4.04 for recreation and conservation purposes as defined by NJSA 40:12-15.1.

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**ORDINANCE AUTHORIZING APPROPRIATION OF FUNDS
FROM THE GREEN ACRE FUND ACQUISITION OF CONSERVATION EASEMENT**

SECTION I

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Harding in the County of Morris and State of New Jersey that (i) \$87,746 of the Harding Township Green Acre funds shall be applied to the purchase of Lot 4.03 and (ii) the sum of \$122,844 shall be and is hereby appropriated from the Harding Township Open Space Trust Fund for the acquisition of a conservation easement, in form and substance satisfactory to the Township Committee and to Counsel for the Township Committee, on Lot 4.03 and the execution and delivery of a License Agreement on Lot 4.03, subject to the satisfaction of the foregoing contingencies, including but not limited to the acquisition of Lot 4.03 by the Harding Land Trust, the conveyance of a conservation easement on Lot 4.03 to the Township of Harding and the execution and delivery of a License Agreement between Harding Township and the Harding Land Trust on Lot 4.03.

BE IT FURTHER ORDAINED that the Mayor and Clerk of the Township are hereby authorized to execute a conservation easement and such other documents, in form and substance agreeable to the Township Committee and Township Counsel, as may be reasonably required to complete the transaction authorized hereby.

SECTION II

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.

SECTION III

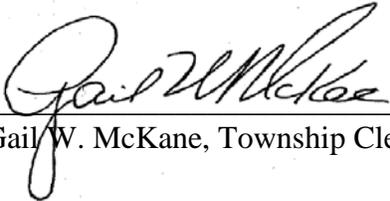
If any article, section, subsection, paragraphs, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

SECTION IV

This Ordinance shall take effect immediately upon final publication as provided by law.

DATED: March 17, 2014

I, Gail W. McKane, Township Clerk of the Township of Harding, County of Morris, State of New Jersey, do hereby certify the foregoing ordinance to be a true and correct copy of the ordinance adopted by the Township Committee at the meeting held on March 17, 2014.



Gail W. McKane, Township Clerk