

**TOWNSHIP OF HARDING
ORDINANCE NO. 04-13**

**ORDINANCE AUTHORIZING APPROPRIATION OF FUNDS
FROM THE OPEN SPACE TRUST 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 43 acres of open space consisting of Block 5, Lot 19, on the Tax Map of the Township of Harding and Block 6801, Lot 75 on the Tax Map of Morris Township, said parcel located along James Street and including the stream corridor and riparian lands of Silver Brook flowing through such parcels (“Lot 19”); 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 19 for recreation and open space purposes; and

WHEREAS, the Harding Land Trust has procured Morris County Open Space funding for \$2,075,000 of the \$2,275,000 purchase price for Lot 19; and

WHEREAS, the Harding Open Space Trust Committee has recommended to the Township Committee the acquisition of a conservation easement over Lot 19 for a purchase price of \$200,000, which amount shall constitute the balance of the purchase price for the acquisition of Lot 19 by the Harding Land Trust; and

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

WHEREAS, the Harding Land Trust is in the process of finalizing appraisals for the above property and purchase prices shall be consistent with the value fixed by the appraisals.

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 the sum of \$200,000 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 the Counsel for the Township Committee, on Lot 19, subject to the satisfaction of the foregoing contingencies, including but not limited to the acquisition of Lot 19 by the Harding Land Trust and the conveyance of a conservation easement on Lot 19 to the Township of Harding.

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

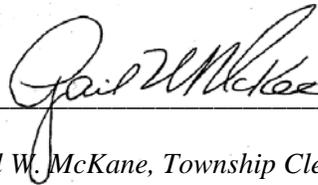
If any article, section, subsection, paragraphs, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

SECTION IV

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

I, Gail W. McKane, Township Clerk of the Township of Harding, do hereby certify this document to be a true copy of the original ordinance as adopted at the meeting of the Township Committee on July 8, 2013.

Date: July 8, 2013

A handwritten signature in cursive script, reading "Gail W. McKane", is written above a horizontal line. The signature is in black ink and is positioned to the right of the date.

Gail W. McKane, Township Clerk, Township of Harding