

**TOWNSHIP OF HARDING
ORDINANCE NO. 07-12**

**ORDINANCE TO AUTHORIZE THE APPROPRIATION OF FUNDS
FROM THE OPEN SPACE TRUST FUND**

WHEREAS, the Harding Land Trust and Harding Open Space Trust have engaged in negotiations with the Estate of Peter H. B. Frelinghuysen for the purchase of open space parcels; and

WHEREAS, the Township of Harding has determined that it is in the public interest for property known and designated as Block 22, Lot 4.04, on the Tax Map of the Township of Harding consisting of 3.6445 acres located at the corner of James Street and Sand Spring Lane to be so acquired; and

WHEREAS, it is the intention of the Township Committee that the purchase of Lot 4.04 is contingent upon a contract between the Harding Land Trust and the Estate of Peter Frelinghuysen for the acquisition of Block 22, Lot 4.03, and Block 5, Lot 19, and the perfection of easements in accordance with the last will and testament of Peter H. B. Frelinghuysen on Block 22, Lots 2, 3, 4.01 and 5, as well as, Block 19, Lots 5 and 5.01; and

WHEREAS, proposed Contracts for the sale of said real estate have been prepared or are being prepared; and

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

WHEREAS, the Township desires to receive assignment of the said Contracts, and to effectuate the purchase of the said properties, contingent on receiving necessary grants in accordance with their terms.

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 not to exceed \$1,250,000 be and is hereby appropriated from the Harding Township Open Space Trust Fund for the purchase of Block 22, Lot 4.04, subject to the satisfaction of the foregoing contingencies.

BE IT FURTHER ORDAINED that the Mayor and Clerk of the Township are hereby authorized to execute assignments of the aforesaid Contracts of Sale in form and substance agreeable to the Township Committee, as well as such other documents reasonably required to purchase the properties.

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All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.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 August 13, 2012.

Date: August 14, 2012



Gail W. McKane, Township Clerk, Township of Harding