

TOWNSHIP OF UPPER DEERFIELD

ORDINANCE 730

**AUTHORIZING THE ACQUISITION OF LANDS CONSISTING OF 119 ACRES,
MORE OR LESS, IDENTIFIED ON THE UPPER DEERFIELD TOWNSHIP TAX MAP
AS LOTS 1 AND 5 OF BLOCK 1601 AND LOT 12 IN BLOCK 1701**

WHEREAS, the Township of Upper Deerfield (“Township”) has determined that it is desirable and in the public interest, to acquire lands and premises within the Township of Upper Deerfield to preserve and conserve those lands to provide open space and passive recreational facilities for members of the general public; and

WHEREAS, there exists 119 acres more or less, within the Township located adjacent to the Sunset Lake being shown on the Township of Upper Deerfield Tax Map as Lots 1 and 5 of Block 1601 and Lot 12 in Block 1701 (the “Lands”); and

WHEREAS, the owner of the Lands has indicated a willingness to sell the lands; and

WHEREAS, Upper Deerfield Township together with Cumberland County and the Natural Lands Trust have joined together for the purposes of arranging for the acquisition of the lands, more particularly as authorized by N.J.S.A. 48:12-1, et seq., with title to the property to be held by Township upon conclusion of the acquisition to be held and preserved as recreational, open space and conserved land; and

WHEREAS, the Natural Lands Trust, Cumberland County, and Upper Deerfield Township, have reached an agreement as to the funding for the acquisition of the purchase of the Lands and the relative responsibilities for the parties to investigate the properties and to share in the costs of acquisition, all as more particularly set forth the Memorandum of Agreement attached hereto in draft form; and

WHEREAS, the Natural Lands Trust, has, or is about to, execute a contract for the purchase of the real estate consistent with the agreement of Cumberland County, the Township and the Natural Lands Trust, as more particularly set forth in the Memorandum of Agreement, for a sale and purchase price of \$2,600,000.00; and

WHEREAS, the funding for the acquisition is dependent, in part, upon grants made by Cumberland County and Township to Green Acres, which grant applications have not yet been approved by Green Acres; and

WHEREAS, Township and Cumberland County have previously authorized the set-aside of certain funds to be made available for use in the acquisition of these lands in the event that the grant applications are approved by Green Acres and, as more particularly set forth in Resolution No. 14-330; and

WHEREAS, the prospective acquisition of the Lands has proceeded to the point whereby it is now necessary for the Township to formally approve the acquisition by Ordinance so that the necessary contracts may be executed by the Township.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of Upper Deerfield Township as follows:

1. The acquisition of the Lands, substantially in accordance with the terms and conditions of the draft Contract for Sale of Real Estate between Sunset Lake 100, LLC and Natural Lands Trust, Inc., a copy of which is attached hereto, and as more particularly set forth in the Memorandum of Agreement between the Natural Lands Trust, Cumberland County, and Upper Deerfield Township, as more particularly set forth in the draft Memorandum of Agreement, attached hereto be and the same is hereby approved.

2. Mayor James P. Crilley and Roy Spoltore, Municipal Clerk, be and the same are hereby authorized to execute the Memorandum of Agreement attached hereto and such other documents as may be reasonable and necessary to effectuate the acquisition of the Lands on the terms and conditions set forth in the Agreement attached hereto.

3. The authorization to acquire these Lands is subject to the final approval and funding of the grant applications by Green Acres in accordance with the provisions more particularly set forth the Memorandum of Agreement.

James Crilley, Chairman

Adopted June 4, 2015

Attested:

Roy J. Spoltore, Township Clerk

First Reading: May 7, 2015

Publication: May 13, 2015

Publication of Final Adoption: June , 2015