

**MONROE TOWNSHIP, MIDDLESEX COUNTY**

**ORDINANCE NO.: O-7-2017-019**

**ORDINANCE OF THE MONROE TOWNSHIP COUNCIL AUTHORIZING THE ACQUISITION OF A PORTION OF LAND FOR OPEN SPACE, LOCATED AT 431 SCHOOLHOUSE ROAD AND APPEARING ON THE OFFICIAL MUNICIPAL TAX MAP AS BLOCK 52, LOT 4.08**

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**WHEREAS**, Raymond and Audrey Cornish own real property commonly known as 431 Schoolhouse Road, identified on the official Tax Map of the Township of Monroe as Block 52, Lot 4.08 in the County of Middlesex, and State of New Jersey (the “Property”); and

**WHEREAS**, the Property abuts publicly-owned open space in the Township of Monroe; and

**WHEREAS**, the Property consists of 8.31± acres; and

**WHEREAS**, on October 19, 2015, the Monroe Township Open Space and Farmland Preservation Commission recommended the purchase of a portion of the Property by the Township as open space; and

**WHEREAS**, the Township Engineer prepared an Open Space Dedication Subdivision plan, dated January 25, 2017, annexed hereto as Exhibit “A,” pursuant to which the Property would be subdivided and a 6.18733± acre portion would be acquired by the Township as open space; and

**WHEREAS**, by Resolution No.: R-11-2016-379, the Township Council authorized an appraisal of the portion of the Property proposed to be acquired by the Township as open space; and

**WHEREAS**, by appraisal dated January 30, 2017, the appraised value of the portion of the Property proposed to be acquired by the Township for open space was determined to be Two Hundred Twenty One Thousand Dollars (\$221,000.00); and

**WHEREAS**, on April 20, 2017, the Township offered to purchase the subject portion of the Property for open space from Raymond and Audrey Cornish for Two Hundred Twenty One Thousand Dollars (\$221,000.00); and

**WHEREAS**, Raymond and Audrey Cornish have agreed to sell the subject portion of the Property to the Township of Monroe for open space for Two Hundred Twenty One Thousand Dollars (\$221,000.00); and

**WHEREAS**, the Chief Financial Officer of the Township has verified that there are sufficient funds remaining from the issuance of bonds pursuant to the Open Space Acquisition Bond Ordinance O-2-2012-001, to pay for the aforesaid acquisition;

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Monroe, County of Middlesex, State of New Jersey as follows:

**Section 1.** The Mayor, Township Clerk and Township Attorney are hereby authorized and directed to execute any and all documents as are reasonably necessary to perfect the subdivision of Block 52, Lot 4.08 and acquire fee simple title to a portion of the Property in accordance with the Preliminary Minor Subdivision Plan prepared by the Township Engineer, including all improvements erected on, over and beneath aforesaid lands to be acquired; and all easements, rights-of-way or uses, privileges, licenses, hereditaments, appurtenances, interests and other rights belonging to or inuring to the benefit of the lands to be acquired and all right, title and interest of the owners in and to any land lying in the bed of any highway, street, road or avenue, opened or proposed, in front or abutting or adjoining aforesaid lands to be acquired.

**Section 2.** The purchase price for the portion of the Property to be acquired for open space shall be Two Hundred Twenty One Thousand Dollars (\$221,000.00), as determined through arm’s length negotiations.

**Section 3.** The Mayor and Township Clerk are hereby authorized to accept the Deed transferring a portion thereof to the Township as open space, provided the Deed is in a form satisfactory to the Township Attorney.

**Section 4.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**Section 5.** If any section, subdivision, sentence, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

**Section 6.** This Ordinance shall take effect upon final passage and publication as provided by law.

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STEPHEN DALINA, Council President

<b>RECORDED VOTE – INTRODUCTION – July 5, 2017</b>						
<b>COUNCIL</b>	<b>MOTION</b>	<b>SECOND</b>	<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
<b>Councilman Baskin</b>					<b>X</b>	
<b>Councilwoman Cohen</b>			<b>X</b>			
<b>Councilman Leibowitz</b>		<b>X</b>	<b>X</b>			
<b>Council V. President Schneider</b>	<b>X</b>		<b>X</b>			
<b>Council President Dalina</b>			<b>X</b>			

**NOTICE**

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading at a meeting of the Monroe Township Council held on July 5, 2017. Said Ordinance will again be read and considered for final passage at a meeting of the Monroe Township Council to be held on August 7, 2017 at 7:00 p.m. in the Municipal Complex, 1 Municipal Plaza, Monroe Township, New Jersey. At said time and place all persons having an interest in the foregoing ordinance will be granted an opportunity to be heard concerning the same prior to consideration for final passage by the Council.

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PATRICIA REID, Township Clerk

<b>RECORDED VOTE – SECOND READING &amp; FINAL ADOPTION – August 7, 2017</b>						
<b>COUNCIL</b>	<b>MOTION</b>	<b>SECOND</b>	<b>AYE</b>	<b>NAY</b>	<b>ABSTAIN</b>	<b>ABSENT</b>
<b>Councilwoman Cohen</b>						
<b>Councilman Leibowitz</b>						
<b>Council V. President Schneider</b>						
<b>Council President Dalina</b>						

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**MAYORAL APPROVAL**

By virtue of the Optional Municipal Charter Law of 1950 and Chapter 3, Section 19 of the Code of the Township of Monroe, my approval of this Ordinance is effected by the affixing of my signature hereto.

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GERALD W. TAMBURRO, Mayor

Date Signed: \_\_\_\_\_