

**TOWNSHIP OF MENDHAM**

**ORDINANCE 19– 2009**

**ORDINANCE AUTHORIZING THE TOWNSHIP OF MENDHAM TO ACQUIRE CERTAIN REAL PROPERTY DESIGNATED AS LOTS 16 AND 17 IN BLOCK 147, AND LOT 3 IN BLOCK 149 ON THE TAX MAP OF THE TOWNSHIP OF MENDHAM FOR PURPOSES LIMITED TO PASSIVE RECREATION AND CONSERVATION**

---

**WHEREAS**, the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq., authorizes any municipality to acquire any real property or any interest or estate whatsoever therein either within or without the municipality; and

**WHEREAS**, the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq., authorizes any municipality to provide, by ordinance, for the acquisition of any real property by purchase or lease; and

**WHEREAS**, the Mendham Township Committee has determined that it is in the best interest of the Township of Mendham (the “Township”) for the Township to acquire certain real property which is owned by Frederick Bartenstein, Jr. and designated as Lots 16 and 17 in Block 147, and Lot 3 in Block 149 on the Tax Map of the Township of Mendham (the “Property”) for purposes limited to passive recreation and conservation; and

**WHEREAS**, the Morris County Park Commission will manage the Property for purposes limited to passive recreation and conservation; and

**WHEREAS**, in addition to the Township, the following entities are providing the following amounts as funding for the purchase of the Property:

County of Morris	\$1,850,000
Morris County Park Commission	\$1,000,000
Morris County Municipal Utilities Authority	\$ 500,000

**NOW , THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MENDHAM IN THE COUNTY OF MORRIS AND STATE OF NEW JERSEY, (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:**

1. The Township is hereby authorized to acquire the Property, for a purchase price of three million eight hundred fifty thousand dollars (\$3,850,000), and in accordance with applicable law, for purposes limited to passive recreation and conservation.
2. The Mayor and Township Clerk are hereby authorized and directed to execute on behalf of the Township such agreements which are generally in the form prepared by the Township Attorney and such other documents as are necessary and advisable to accomplish the acquisition by the Township of the Property with such revisions in said documents as the Township Attorney may advise and the Mayor may approve, such approval to be evidenced by his execution thereof.
3. The Mayor and Township Clerk are hereby authorized and directed to execute on behalf of the Township a funding partnership agreement between and among the Township, the County of Morris, the Morris County Park Commission and the Morris County Municipal Utilities Authority with respect to the funding of the acquisition of the Property, in such form as approved by the Township Attorney.
4. The Mayor and Township Clerk are hereby authorized and directed to execute on behalf of the Township a management agreement by and between the Township and the Morris County Park Commission, which agreement shall provide for the management of the Property in accordance with the standard practices of the Morris County Park Commission, for purposes limited to passive recreation and conservation, and shall be in such form as approved by the Township Attorney.
5. The sum of five hundred thousand dollars (\$500,000) is hereby appropriated from the Mendham Township Open Space Trust to the payment of the Township's share of the cost of acquiring the Property.
6. This Ordinance shall take effect upon final adoption and publication pursuant to law.

Introduced: September 14, 2009

Adopted: September 29, 2009

Effective: October 2, 2009

ATTEST:

TOWNSHIP OF MENDHAM ,  
IN THE COUNTY OF MORRIS

\_\_\_\_\_

By: \_\_\_\_\_

Ann L. Carlson, RMC

Frank V. Cioppettini, Jr.

Township Clerk

Mayor