

**ORDINANCE NO. 4-15      AN ORDINANCE AUTHORIZING THE PURCHASE OF  
REAL PROPERTY BY THE BOROUGH OF KINNELON  
FROM TOTOWA CONSTRUCTORS, INC. KNOWN AS  
LOT 119, BLOCK 53602, PURSUANT TO N.J.S.A. 40A:12-3,  
ET SEQ.**

**WHEREAS**, the Borough is desirous of purchasing Property known as Lot 1, Block 89, (hereinafter, the "Property") from Totowa Constructors, Inc., at a price of One Hundred and Seventy Five Thousand Dollars (\$175,000); and

**WHEREAS**, the purpose of the acquisition of the Property is to provide recreation for the citizens of the Borough of Kinnelon, Morris County, the State of New Jersey and the United States; and

**WHEREAS**, the Property is to be acquired with the aid of Green Acres funds and shall not be disposed of or diverted to a use other than recreation purposes without the approval of the County pursuant to N.J.S.A.40:12-15.4 or without the approval of the Commissioner of Environmental Protection and the State House Commissioner under N.J.S.A. 13:8C-1 et seq. and N.J.A.C. 7:36.

**WHEREAS**, the Borough will be utilizing \$87,500.00 from the Kinnelon Borough Open Space Trust Fund and \$87,500.00 from a Green Acres Planning Incentive Grant to fund the purchase of this property; and

**WHEREAS**, proposed Contracts for the sale of said real estate have been prepared, and executed by the appropriate persons as authorized by Resolution; and

**WHEREAS**, the Borough has undertaken its due diligence pursuant to said Contracts, and can move forward with the aforesaid purchase.

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the Borough of Kinnelon, County of Morris, State of New Jersey, that the Borough is hereby authorized to purchase the above-referenced property from Totowa Constructors, Inc. for the total sum of One

Hundred Seventy Five Thousand Dollars (\$175,000.00), conditioned upon the Borough receiving full funding for said purchase and the placing of the Deed for the Property that runs with the land in perpetuity the restrictions limiting the use of the Property to recreation and for no other purpose without the County of Morris pursuant to N.J.S.A.40:12-15.4 and the Commissioner of Environmental Protection and the State House Commissioner under N.J.S.A. 13:8C-1 et seq. and N.J.A.C. 7:36 as the same may be amended from time to time.

**BE IT FURTHER ORDAINED**, that the appropriate Borough officials are hereby authorized to execute all necessary documents to undertake its due diligence as to effectuate the closing, including the Contracts of Sale, to purchase said property.

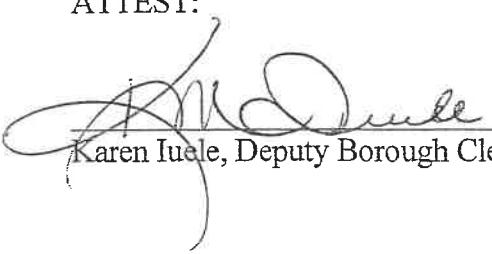
SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

INCONSISTENT ORDINANCES. Ordinances, resolutions, and regulations or parts of ordinances, resolutions, and regulations inconsistent herewith, are hereby repealed to the extent of such inconsistency.

EFFECTIVE DATE. This Ordinance shall take effect upon passage and publication according to law.

ATTEST:

BOROUGH OF KINNELON

  
Karen Iuele, Deputy Borough Clerk

\_\_\_\_\_  
Robert Collins, Mayor

## CERTIFICATION

I, Karen Iuele, Deputy Borough Clerk of the Borough of Kinnelon, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true copy of an Ordinance introduced, read by title and passed on the first reading at a regular meeting of the Borough held on March 19, 2015 and adopted by the Governing Body at a regular meeting of the Borough held on April 16, 2015.

  
Karen Iuele, Deputy Borough Clerk