

**AN ORDINANCE AUTHORIZING THE TOWNSHIP OF MANALAPAN TO
CONVEY A DEED OF OPEN SPACE EASEMENT TO THE COUNTY OF
MONMOUTH**

Ordinance No. 2009-30

WHEREAS, the Township of Manalapan is a Municipal Corporation of the State of New Jersey; and

WHEREAS, by virtue of a real estate transaction / closing, the Township is now the owner of the property located on Freehold-Englishtown Road (Rt. 522), in Manalapan Township, New Jersey, and more formally identified as Block 27, Lot 3Q0188; and

WHEREAS, the Township desires to utilize the subject property for general recreational purposes; and

WHEREAS, in furtherance thereof, the Township of Manalapan has applied for a Municipal Open Space Grant (in the amount of \$250,000.00) from the County of Monmouth; and

WHEREAS, acquisition of the said Grant will help defray some of the Township's acquisition costs associated with the subject property; and

WHEREAS, as a condition of the Grant from the County of Monmouth, the Township is required to provide the County with a Deed of Open Space Easement; and

WHEREAS, the general purpose of the Deed of Open Space Easement is to a) guarantee that the subject property will be forever retained as / for public park, recreation, and / or open space, and b) so as to prevent any use of the subject property which would significantly impair or otherwise interfere with park, recreation, and / or open space uses associated with the subject property; and

WHEREAS, the Township Committee of the Township of Manalapan is of the belief that providing such an Easement to the County is a fair and reasonable consideration for the \$250,000.00 (Two hundred fifty thousand dollar) Grant, as aforesaid; and

WHEREAS, the Township Committee of the Township of Manalapan is of the belief that the conveyance of the referenced Deed of Open Space Easement to the County will be in the best interests of the Township of Manalapan and its residents; and

WHEREAS, the Local Lands and Buildings Law (including N.J.S.A. 40A:12-13.4) conditionally authorizes a Municipality to convey land (or any interest therein, including an Easement) to a County, at nominal consideration, by virtue of a private sale; and

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

1. That in exchange for \$1.00 (One dollar) and other good and valuable consideration, the Township of Manalapan is hereby authorized to convey a Deed of Open Space Easement to the County of Monmouth (relating to the property identified as Block 27, Lot 3Q0188.)
2. That the said Deed of Open Space Easement shall be in substantially the same form as the County-prepared document (Easement) which is attached hereto and incorporated herein at length.
3. That the Township Administrator, Deputy Administrator, Mayor, Deputy Mayor, Clerk, and Attorney are hereby authorized to sign any and all documents necessary to effectuate the intentions of the within Ordinance – including, but not limited to, the following:
 - Deed of Open Space Easement;
 - Affidavit of Exemption from Realty Transfer Fee; and
 - Residency Certification Form.
4. That the within Ordinance shall take effect immediately.

5. That a certified true copy of the within Ordinance shall be forwarded to the following:
 - Township Administrator
 - Township Counsel (Special Counsel)
 - County of Monmouth

6. That all Ordinances, or parts of Ordinances inconsistent herewith, are hereby repealed.

7. That if any part of the within Ordinance is for any reason held to be invalid, such decision shall not affect the validity of any remaining portion of the within Ordinance.

8. That the within Ordinance shall become effective in accordance with Prevailing Provisions of New Jersey law.

MOTION TO INTRODUCE ON FIRST READING: _____

SECOND: _____

THOSE IN FAVOR: _____

THOSE OPPOSED: _____

ABSTENTIONS: _____

PUBLIC HEARING DATE: _____

MOTION TO ADOPT ON SECOND READING: _____

SECOND _____

THOSE IN FAVOR: _____

THOSE OPPOSED: _____

ABSTENTIONS: _____

I hereby certify that the forgoing is a true copy of an Ordinance adopted by the Township of Manalapan on this _____ day of _____, 2009.

Rose Ann Weeden, Township Clerk

KEK/dmp
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