

**BOROUGH OF TINTON FALLS  
COUNTY OF MONMOUTH**

**NOTICE OF PENDING ORDINANCE**

**ORDINANCE NO. 2017-1421**

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Borough Council of the Borough of Tinton Falls, in the County of Monmouth, State of New Jersey, held on December 5, 2017. This Ordinance will be further considered for adoption, after the public hearing is held thereon, at a meeting of the Borough Council to be held on Tuesday, December 19, 2017, in the Municipal Center, 556 Tinton Avenue, Tinton Falls, NJ beginning at 7:30 P.M. During the week prior to and up to and including the date of such meeting, copies of said Ordinance and attachments will be made available in the Clerk's Office to the members of the general public who shall request the same.

**MAUREEN L. MUTTIE  
BOROUGH CLERK**

**ORDINANCE NO. 2017-1421**

**BOROUGH OF TINTON FALLS  
COUNTY OF MONMOUTH**

**AN ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY IDENTIFIED AS BLOCK 145, LOT 28.01 ON THE OFFICIAL TAX MAP OF THE BOROUGH OF TINTON FALLS, COMMONLY KNOWN AS THE WALZ PROPERTY OFF OF SHARK RIVER ROAD, FOR THE PRESERVATION OF DEDICATED OPEN SPACE**

**WHEREAS**, the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq. authorizes public entities to acquire real property for the public purpose of preserving open space; and

**WHEREAS**, N.J.S.A. 40A:12-5 requires that the acquisition of an interest in real property by municipalities be accomplished by ordinance; and

**WHEREAS**, the Borough of Tinton Falls ("Borough") desires to acquire certain property identified on the Official Tax Map as Block 145, Lot 28.01, commonly known as the Walz Property off of Shark River Road, as further set forth in Schedule A attached hereto (the "Property"); and

**WHEREAS**, the Property consists of approximately 60 acres, a portion of which is desirable for residential development or other commercial uses, while only currently generating nominal farmland assessed tax payments; and

**WHEREAS**, the Borough desires to enter into an Agreement for the Purchase and Sale of Real Property ("Agreement") for the Property, which sets forth the rights, duties and obligations of the parties; and

**WHEREAS**, the acquisition of the Property for the agreed price of Nine Hundred and Seventy Thousand Dollars (\$970,000) is to be funded entirely through the Borough's Open Space Trust Fund with no borrowing; and

**WHEREAS**, the Property is to be conveyed free and clear of any liens, judgments and encumbrances; and

**WHEREAS**, the Property has already undergone a preliminary environmental assessment conducted by the Borough Engineer last year and is currently undergoing an additional level two assessment anticipated to be completed by year end; and

**WHEREAS**, the Borough desires to authorize the acquisition of the Property, the expenditure of the funds, and the acceptance of the conveyance of the Property, subject to certain conditions, upon fulfillment of the provisions set forth in the Agreement negotiated between the parties over the last year.

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the Borough of Tinton Falls, in the County of Monmouth, State of New Jersey, as follows:

### **Section 1.**

The Borough Council hereby authorizes the acquisition of Block 145, Lot 28.01, commonly known as the Walz Property off of Shark River Road, as further set forth in Schedule A attached hereto and made part hereof consisting of approximately 60 acres for the total sum of Nine Hundred and Seventy Thousand Dollars (\$970,000).

### **Section 2.**

The Borough Council approves the terms and conditions of the Agreement for the Sale and Purchase of Real Property attached hereto as Schedule B by and between the Borough the property owner, a copy of which is filed in the Office of the Borough Clerk, subject to minor revisions thereto approved by the Borough Administrator as recommended by the Director of Law that do not substantially modify the terms and conditions of the Agreement, provided that the total consideration paid under the Agreement is not increased.

### **Section 3.**

The Borough Council hereby authorizes the expenditure of an aggregate of up to Nine Hundred and Seventy Thousand Dollars (\$970,000) from its Municipal Open Space Trust Fund without any borrowing.

### **Section 4.**

The Mayor, Borough Clerk and Director of Law are hereby authorized and directed to execute all documents required for the acquisition of the Property, including, but not limited to, the Agreement and other conveyance documents and are hereby authorized and directed to take all action necessary to effectuate the purposes of this Ordinance.

### **Section 5.**

All ordinances of the Borough of Tinton Falls which are inconsistent with the provisions of this Ordinance are hereby repealed as to the extent of such inconsistency.

### **Section 6.**

If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any Court of competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

### **Section 7.**

This Ordinance shall take effect immediately upon final passage, approval and publication as provided by law.