

ORDINANCE NO. 2023-3403

**TOWNSHIP OF MIDDLETOWN
COUNTY OF MONMOUTH**

**ORDINANCE AUTHORIZING ENTRY OF PURCHASE AND SALE AGREEMENT WITH
THE MONMOUTH CONSERVATION FOUNDATION FOR THE ACQUISITION OF
BLOCK 202, LOT 10 (120 THOMPSON AVENUE) FOR OPEN SPACE
PRESERVATION PURPOSES**

WHEREAS, since its last open space referendum, the Township of Middletown (the "**Township**") continues to advance efforts to preserve the Township's remaining open spaces; and

WHEREAS, the Monmouth Conservation Foundation ("**MCF**") is the owner of certain land and premises located between State Highway 36 and Thompson Avenue, commonly known as 120 Thompson Avenue, consisting of approximately 3.05 acres identified on the Township's official tax map as Block 202, Lot 10 (the "**Property**"); and

WHEREAS, the Township and MCF seek to enter into a Purchase and Sale Agreement (the "**Agreement**") for the Property, which sets forth the rights, duties and obligations of the parties; and

WHEREAS, the acquisition of the Property is for an agreed price not to exceed \$70,000; and

WHEREAS, the Township's acquisition of the Property by ordinance is authorized by the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Middletown, in the County of Monmouth, State of New Jersey, as follows:

SECTION 1. Acquisition of Property.

Pursuant to the provisions of the Local Lands and Building Law, N.J.S.A. 40A:12-1 et seq., the Township is hereby authorized to acquire fee simple title to the land and premises located between State Highway 36 and Thompson Avenue, commonly known as 120 Thompson Avenue, consisting of approximately 3.05 acres identified on the Township's official tax map as Block 202, Lot 10, for a purchase price not to exceed \$70,000.

SECTION 2. Agreement of Sale.

The Township approves the terms and conditions of the Agreement attached hereto as Exhibit A by and between the Township and MCF, subject to minor revisions approved by the Township Administrator as recommended by the Township Attorney 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. Delegation of Authority.

The Mayor, Township Attorney, and Township Clerk are hereby authorized and directed to take any and all steps reasonably necessary to effectuate the foregoing, including the execution of all documents required for the acquisition of the Property, including but not limited to the Agreement and other conveyance documents.

SECTION 4. Severability.

If any section, subsection or paragraph of this ordinance be declared unconstitutional, invalid or inoperative, in whole or in part, by a court of competent jurisdiction, such chapter, section subchapter or paragraph shall to the extent that is not held unconstitutional, invalid or inoperative remain in full force and effect and shall not affect the remainder of this ordinance.

SECTION 5. Repealer.

All ordinances and resolutions, and parts of ordinances and resolutions which are inconsistent with provisions of this ordinance shall be, and are hereby, repealed to the extent of any such inconsistency.

SECTION 6. Effective Date.

This ordinance shall take effect after final adoption and approval pursuant to law.