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**ORDINANCE NO. 16-21**

**AN ORDINANCE AUTHORIZING THE ACQUISITION OF REAL PROPERTY KNOWN AND DESCRIBED AS BLOCK 34801, LOT 102 ON THE OFFICIAL TAX MAP OF THE BOROUGH OF KINNELON, WITH A STREET ADDRESS OF 180 BOONTON AVENUE, KINNELON, NEW JERSEY AND COMMONLY KNOWN AS THE BOONTON AVENUE RECREATION FIELDS FOR PUBLIC OPEN SPACE AND PARK PURPOSES, RECREATION, COMMUNITY AND OTHER PUBLIC USES AND AUTHORIZING ALL ACTIONS NECESSARY TO IMPLEMENT AND EFFECT THE ACQUISITION OF THE PROPERTY**

**WHEREAS**, N.J.S.A. 40A:12-5 and N.J.S.A. 20:3-1, *et seq.* authorize public entities to acquire real property or interests in real property; and

**WHEREAS**, the Governing Body of the Borough of Kinnelon ("Borough Council" or "Borough") has deemed it necessary to acquire certain real property and interests in real property in the Borough currently known as Block 34801, Lot 102 on the Official Tax Map of the Borough of Kinnelon with a street address of 180 Boonton Avenue, Kinnelon, New Jersey and commonly known as the Boonton Avenue Recreation Fields (the "Property"); and

**WHEREAS**, the current owner of the Property is the Town of Boonton ("Boonton"); and

**WHEREAS**, negotiations have ensued between the Borough and Boonton and have resulted in an Agreement for the Borough to acquire the Property and certain interests in the Property in consideration of the payment of \$375,000; and

**WHEREAS**, there has been prepared a certain "Contract for Sale of Real Estate" Between Boonton, as Seller, and the Borough, as Buyer, dated as of November 15, 2021 setting forth the rights, duties and obligations of the parties in connection with the sale and purchase of the Property; and

**WHEREAS**, the Borough desires to approve the terms and conditions of said Contract for Sale of Real Estate, authorize its execution and authorize the acquisition of the Property in substantial accordance with the terms and conditions of said Contract for Sale of Real Estate; and

**WHEREAS**, the Borough further desires to authorize the execution of additional related Agreements and documents, including, without limitation, Escrow Agreements, Affidavits, Post-Closing Documents, Closing Statements, Internal Revenue Service and Code Forms, documents related to the funding of a portion of the acquisition costs by the New Jersey Department of Environmental Protection Green Acres Program and the Morris County Open Space Trust Fund and all other documents and Agreements necessary to effectuate the purposes of this Ordinance and the acquisition of the Property and various interests therein.

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the Borough of Kinnelon, County of Morris, State of New Jersey as follows:

**SECTION 1.** All the terms and conditions of a certain Contract for Sale of Real Estate by and between the Town of Boonton ("Boonton") as Seller and the Borough of Kinnelon ("Borough"), as Buyer, dated as of November 15, 2021 for the acquisition of certain real property and interests in real property in the Borough currently known as Block 34801, Lot 102 on the Official Tax Map of the Borough (the "Property"), in and for the consideration of \$375,000 ("Purchase Price"), be and the same are hereby approved, ratified and confirmed by the Borough, subject to any non-material, minor and insubstantial changes that may be made in the final form of the Contract for Sale of Real Estate and other attached documents, as approved by the Mayor on the advice of counsel and/or other professionals of the Borough, **PROVIDED, HOWEVER**, that the Purchase Price of \$375,000 and the interests in the Property to be acquired by the Borough, shall not be modified. A copy of the Contract for Sale of Real Estate is on file in the

office of the Borough Clerk and may be viewed by the public from 9:00AM to 4:00PM. A copy of the contract shall also be placed on the Borough's Official Website.

**SECTION 2.** By virtue of the introduction and adoption of this Ordinance and the taking of other actions, the Borough hereby authorizes the expenditure of the purchase price of \$375,000 and any appropriate ancillary costs related to the acquisition, together with the expenditure of the requisite costs and disbursements related to the consummation of the transaction of the acquisition of the Property.

**SECTION 3.** The Mayor and Borough Clerk, be and are hereby authorized to execute the Contract for Sale of Real Estate in substantially the same form as approved herein and the Mayor, Borough Council, Clerk and such other officials, consultants, agents, professionals and employees of the Borough as may be necessary and appropriate shall be, and are hereby authorized to pursue the implementation of the Contract for Sale of Real Estate and to take all steps necessary to effectuate and implement the same and the ultimate acquisition of the Property, including, without limitation, the purchase of Title Insurance and Environmental Insurance as may be appropriate, and the execution of additional related Agreements and documents, including, without limitation, appropriate related Escrow Agreements, Affidavits, Post-Closing Documents, Closing Statements, Internal Revenue Service and Code forms, documents related to the funding of a portion of the acquisition costs by the New Jersey Department of Environmental Protection Green Acres Program and the Morris County Open Space Trust Fund and all other documents and Agreements necessary to effectuate the purposes of this Ordinance and the acquisition of the Property.

**SECTION 4.** Subject to the terms and conditions of the Contract for Sale of Real Estate, in conjunction with such acquisition, the Borough hereby reserves and shall reserve any

and all rights it has, or may have, or shall in the future have in connection with the acquisition and ownership of the Property.

**SECTION 5.** All Ordinances previously adopted in connection with this acquisition shall remain in full force and effect, except to the extent that the same are inconsistent with the terms and conditions of this Ordinance.

**SECTION 6.** All ordinances, resolutions and regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistency.

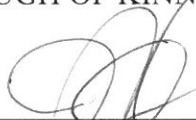
**SECTION 7.** If any section, paragraph, article, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply to the section, paragraph, article, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

**SECTION 8.** This Ordinance shall take effect after approval and publication as required by law.

ATTEST:


BOROUGH OF KINNELON

  
\_\_\_\_\_  
Karen M. Iuele, Borough Clerk

  
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James Freda, Mayor

**CERTIFICATION**

I, Karen M. Iuele, 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 the regular meeting of the Borough held on October 21, 2021 and adopted by the Governing Body at a regular meeting of the Borough held on November 18, 2021

  
Karen M. Iuele, Borough Clerk

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