

ORDINANCE NO. 2017-12

AN ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY IN THE BOROUGH OF BERLIN, COUNTY OF CAMDEN AND STATE OF NEW JERSEY FOR OPEN SPACE PRESERVATION, SPECIFICALLY, PRESERVE AT SIMONE FARM, IDENTIFIED AT A PORTION OF BLOCK 400, LOT 3 ON THE OFFICIAL TAX MAP OF THE BOROUGH OF BERLIN

WHEREAS, the Borough Council of the Borough of Berlin (“Borough”), County of Camden, has adopted, pursuant to a voter referendum, an Open Space Tax which envisions that the Borough will work in concert with public agencies to expand permanently protected and preserved open space around the Borough, to the maximum extent possible; and

WHEREAS, the method for accomplishing this goal, includes the acquisition of vacant lands, development rights and easements for recreation, conservation and farmland purposes; and

WHEREAS, in furtherance of thereof, the Borough has determined that it is in the interest of the Borough Residents to purchase an interest in the property known as portion of Block 400, Lot 3, known as the Preserve at Simone Farm in the Borough of Berlin consisting of fourteen (14) acres +/-; and

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq., provides that a municipality may, by ordinance, provide for the acquisition of real property or an interest therein by purchase, gift, devise, lease, exchange or condemnation; and

WHEREAS, the owners of Block 400, Lot 3, the Simone Family Trust, have offered to sell said property in a unique private/public partnership to the Berlin Farmers’ Market, II, LLC (“Farmer’s Market”) and the Borough; and

WHEREAS, the parties intend to subdivide the property for use by the Borough as Open Space and by the Farmer’s Market as Commercial Warehousing; and

WHEREAS, the Borough is seeking additional grant funding from the New Jersey Department of Environmental Protection - Green Acres Program and the County of Camden, Open Space Preservation Fund.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Borough Council of the Borough of Berlin, County of Camden, State of New Jersey, as follows:

Section 1. The provisions of the **WHEREAS** clauses set forth above are incorporated herein by

reference and made a part hereof as if fully set forth at length.

Section 2. The Borough of Berlin hereby authorizes the acquisition of a portion of Block 400, Lot 3 as shown on the Tax Map of the Borough of Berlin for public use which property is to be conveyed to the Borough.

Section 3. There is hereby appropriated the sum for said purchase pursuant to Bond Ordinance No. 2017-10 which shall be funded through the Borough of Berlin Open Space Trust Fund and Bond Anticipation Notes, or a combination thereof as appropriate, which Open Space Trust Fund shall be replenished upon receipt of the balance of New Jersey Green Acres Funds, intended to be authorized, but not appropriated, as of the time of the adoption of this Ordinance.

Section 4. The Mayor and Borough Clerk and all other proper officers and employees of the Borough of Berlin are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this Ordinance.

Section 5. No debt is to be authorized by the enactment and passage of this Ordinance.

Section 6. All Ordinances of the Borough of Berlin, which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistency.

Section 7. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

Section 8. This Ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

BOROUGH OF BERLIN

By: James Bilella, Mayor

ATTEST:

Lois Sahina, RMC, Borough Clerk

I, Lois Sahina, Clerk of the Borough of Berlin, hereby certify the foregoing to be a true and correct copy of an Ordinance adopted by the Mayor and Borough Council at their meeting of September 14, 2017, in the Municipal Building, 59 South White Horse Pike, Berlin, New Jersey.

Lois Sahina, RMC, Borough Clerk