

TOWNSHIP OF MOORESTOWN

ORDINANCE NO. 17-2008

**AN ORDINANCE OF THE TOWNSHIP OF MOORESTOWN
AUTHORIZING THE ACQUISITION OF DEVELOPMENT RIGHTS
IN A 19.253 ACRE PORTION OF PROPERTY KNOWN AS BLOCK
8300, LOTS 14 AND 15 FROM THE GIFFEN FAMILY LLC FOR
OPEN SPACE**

WHEREAS, the Giffen Family LLC has expressed an interest in selling to the Township of Moorestown development rights in 19.253 acres of Block 8300, Lots 14 and 15 located at 901 Borton Landing Road (the "Property"); and

WHEREAS, the Township Council has had the Property appraised and the appraisal report supports the acquisition price of \$925,000.00; and

WHEREAS, the purchase of development rights will secure the Property remaining as open space for the benefit of present and future generations; and

WHEREAS, the Township's Open Space Advisory Committee has recommended that the Township acquire an interest in the Property; and

WHEREAS, acquisition of development rights in the Property is in the best interest of the citizens of the Township.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey, as follows:

Section 1. Acquisition Authorized. The Mayor, Township Clerk, Municipal Attorney, Chief Financial Officer and any other officer and/or employee are hereby authorized to take the necessary actions to acquire the development rights in that portion of the Property known as 901 Borton Landing Road, Block 8300, Lot 14 and 15 and more particularly described as follows:

Beginning at an iron pin found for a point in the northwesterly right of way line of Borton Landing Road (County Route #615) 49.50' wide, said point being in the division line of Block 8300, Lot 13, lands now or formerly belonging to Victor Veston (Deed Book 5710, Page 89) and Lot 15, said point having New Jersey State Plane Coordinates (NAD 1983) of N425,166.9157, E380,634.4990, said point also being the following two courses and distances from the intersection of the centerlines of said Borton Landing Road and Creek Road (49.50' wide); thence

- a. Along the centerline of Borton Landing Road S 34° 48' 47" W, a distance of 834.87 feet, as measured to a point; thence
- b. Through said Borton Landing Road N 53° 42' 13" W, a distance of 24.76 feet to the point of beginning; thence

1. Along the northwesterly right of way line of Borton Landing Road S 34°48' 47" W, a distance of 507.54 feet to a concrete monument set for a point in the division line between Block 8300 Lot 15 and Block 8400 Lot 8, lands now or formerly belonging to Kenneth Ricketts (Deed Book 5642, Page 203), said point also being in the northeasterly boundary line of the Final Plan of Lots " Orchard Landing"; thence
2. Along said division line and along the division line between Block 8300 Lot 14 and Block 8400 Lots 7, lands now or formerly belonging to Richard & Jacqueline Szczepkowski (Deed Book 5047, Page 25) Lot 6, lands now or formerly belonging to Whitney Burk (Deed Book 5383 Page 18) Lot 5, lands now or formerly belonging to Raymond Friedman (deed not found) Lot 4, lands now or formerly belonging to John Costa & Cheryl Downes (deed not found) & partly along Lot 3, lands now or formerly belonging to Michael & Sharon Stepanski (Deed Book 5729 Page 47) N 54° 22' 48" W, a distance of 1066.53 feet to an iron pin set for point; thence
3. through Block 8300 Lots 14 & 15 N 32° 42' 47" E, a distance of 523.50 feet to a point; thence
4. still through the same N 54° 22' 48" W, a distance of 500.00 feet to a point in the division line between Block 8300, Lot 15 & Lot 17, lands now or formerly belonging to George Kaltner (Deed Book 5978 Page 182)
5. Along said division line and partly along Lot 16, lands now or formerly belonging to Charles Maltbie Jr. (Deed Book 6235 Page 139) said division line also being along or near the southeasterly line of "Final Plan of Lots Kendlewood Estates", N 32° 42' 47" E, a distance of 248.19 feet to a point, said point being S 53° 42' 13" E, 0.21 from an iron pipe found, said point also being in the in the division line between Block 8300 Lots 15 and Lot 4, lands now or formerly belonging to Nicolas & Noel Harbsit (Deed Book 5146 Page 247); thence
6. Along the division line between Block 8300 Lot 15 and Lot 4, Lot 5, lands now or formerly belonging to Steven McCarthy (Deed Book 5368 Page 156) Lot 6, land now or formerly belonging to James & Susan Broomell (Deed Book 3296 Page 127) Lot 7, lands now or formerly belonging to Janet Korke (Deed Book 4723 Page 296) Lot 8, lands now or formerly belonging to Barry Sandman (Deed Book 4723 Page 296) Lots 11 & 12, lands now or formerly belonging to Robert & Linda Kastner (Deed Book 1983 Page 115), S 53° 42' 13" E, a distance of 1219.60 feet to an iron pin set for a point in the division line between Block 8300 Lots 13, lands now or formerly belonging to Victor Veston (Deed Book 5710 Page 89) and Lot 15; thence
7. Still along the same S 34° 48' 47" W, a distance of 235.00 feet to an angle point in the same, said point being S 53° 49' 12" E, 0.20 feet from an iron pin found and S 36° 54' 07" E, 3.08 feet from a concrete monument found; thence
8. Still along the same S 53° 42' 13" E, a distance of 375.24 feet to the point and place of beginning.

Containing 19.253 acres of land or 838,640 square feet, more or less

The above description was written pursuant to a survey of Block 8400 Lots 14 & 15 as designated on the municipal tax map of the Township of Moorestown, County of Burlington, State of New Jersey. Said survey was prepared by Environmental Resolutions, Inc. 525 Fellowship Road, Suite 300, Mount Laurel, NJ 08054 and marked as file 51121_00, dated 12/12/07. A reduced copy of said plan is attached hereto and made a part thereof.

- Section 2. Purpose of Acquisition. The acquisition of the development rights in the Property is or open space purposes and preservation. Future development of the Property will be prohibited.
- Section 3. Severability. If any section, paragraph, sentence, clause, phrase, term, provision or part of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid or unenforceable for any reason, such judgment shall not affect, impair or invalidate the remainder hereof, but shall be confined in its operation to the section, paragraph, sentence, clause, phrase, term, provision or part hereof directly involved in the controversy in which such judgment shall have been rendered.
- Section 4. Repealer. Any and all other ordinances inconsistent with any terms and provisions of this ordinance are hereby repealed to the extent of such inconsistency.
- Section 5. Effective Date. This ordinance shall take effect upon proper publication and in accordance with law.
- Section 6. Short Title. This ordinance shall be known as Ordinance No. 17-2008.

NOTICE AND CERTIFICATION

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey, held on July 14, 2008. This ordinance will be further considered for final passage by the Township Council at a meeting to be held in the Auditorium of the William Allen Middle School, 801 North Stanwick Road, NJ on July 28, 2008 at 7:30 pm or at any time and place to which such meeting may be adjourned. All persons interested will be given the opportunity to be heard concerning such ordinance. During the week prior to and including the date of such further consideration, copies will be made available at the Municipal Clerk's Office in said Municipal Building to any member of the general public who shall request such copies.

Patricia L. Hunt, Township Clerk