

**BOROUGH OF PENNINGTON
RESOLUTION 2022 - 12.10**

**RESOLUTION AUTHORIZING REIMBURSEMENT OF THE
OPEN SPACE FUND FOR THE VALUE OF A FENCE
ENCROACHMENT AREA ON THE ARBORETUM PROPERTY,
VALUED BY GREEN ACRES AT \$264.70.**

WHEREAS, by Ordinance 2019-10, the Borough of Pennington has acquired from the Hopewell Valley Regional School District a tract of wooded land for preservation as active open space and the creation of an arboretum;

WHEREAS, this acquisition has been financed by the Pennington Open Space Fund in anticipation of matching funding under the Green Acres Program of the New Jersey Department of Environmental Protection;

WHEREAS, the Arboretum Property, designated Block 1003, Lot 15.02 on the Borough Tax Map, consists of approximately 3.4 acres of land bounded on the west by the rear property line of Toll Gate Elementary School, on the north by Curlis Avenue, on the east by Baldwin Boulevard, and on the south by the rear property lines of residential dwellings on East Welling Avenue;

WHEREAS, the Borough has applied to Green Acres for funding of allowable costs with the understanding that in consideration of the State's agreement to provide funding, the Arboretum Property shall be held exclusively for recreation and conservation purposes subject to the covenants, restriction and conditions prescribed by law;

WHEREAS, a survey made by Van-Note Harvey Associates, Inc. dated November 15, 2019 reveals mislocation of a six-foot post and wire fence ("the Fence") at the rear of the adjacent East Welling Avenue property known as Block 1003, Lot 2 on the Borough Tax Map (hereafter "the East Welling Property"), resulting in an angular encroachment on the Arboretum Property ranging from approximately 0 to 4.5 feet in depth over the width of the East Welling property;

WHEREAS, as one of the conditions of Green Acres funding, Green Acres requires the Borough to reimburse the Pennington Open Space Fund for the value of that portion of the Arboretum Property, surveyed to be 0.006 acres, affected by the Fence encroachment ("Fence Encroachment Area");

WHEREAS, Green Acres values the Fence Encroachment Area at \$264.70, representing 0.0006 acres at \$44,117.65/acre;

WHEREAS, the required funds are available in account #: 2-01-20-100-000-255;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, that the Borough Clerk is hereby authorized to disburse \$264.70 in Borough funds to the Pennington Open Space Fund, reimbursing the Fund for the value of the Fence Encroachment Area on the Arboretum Property as explained above.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone					Gross				
Chandler					Marciante				
Gnatt					Stern				

This is to certify that the foregoing is a true copy of a Resolution adopted by the Borough Council of the Borough of Pennington at a meeting on December 5, 2022.

Elizabeth Sterling, Borough Clerk