

**WHITEMARSH TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. _____

AN ORDINANCE OF WHITEMARSH TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, AUTHORIZING AND APPROVING THE ACQUISITION OF A CONSERVATION EASEMENT OVER A 27.8213-ACRE PORTION OF MONTGOMERY COUNTY TAX MAP PARCEL NO. 65-00-10609-00-9 KNOWN AS THE "OPEN SPACE PARCEL" OF THE HISTORIC HIGHLANDS MANSION AND GROUNDS; REPEALING ALL INCONSISTENT ORDINANCES OR PARTS THEREOF; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the Highlands Historical Society ("HHS") is in the process of obtaining Montgomery County Tax Map Parcel No. 65-00-10609-00-9 (the "Highlands Property") from the Commonwealth of Pennsylvania in order to preserve the historic Highlands Mansion and Grounds; and

WHEREAS, in order to permanently preserve a 27.8213-acre portion of the Highlands Property (the "Open Space Parcel"), HHS is entering into an agreement of sale (the "Agreement of Sale") with Whitemarsh Township (the "Township") to convey a conservation easement (the "Conservation Easement") over the Open Space Parcel to the Township in exchange for Three Million Ten Thousand Dollars (\$3,010,000.00) paid by the Township to HHS from the Township's Act 153 open space funds; and

WHEREAS, Section 401(g) of the Township's Home Rule Charter requires that the Board of Supervisors enact an ordinance to purchase, convey, or lease any real property; and

WHEREAS, the Board of Supervisors desires to enact this Ordinance to authorize and approve the acquisition of the Conservation Easement over the Open Space Parcel pursuant to the terms of the Agreement of Sale with HHS for the Conservation Easement;

NOW, THEREFORE, be it, and it is hereby **ORDAINED** by the Board of Supervisors of Whitemarsh Township, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

I. The Board of Supervisors of Whitemarsh Township hereby authorizes and approves the acquisition of the Conservation Easement over the Open Space Parcel pursuant to the Agreement of Sale with HHS, and hereby approves the purchase price for the Conservation Easement of Three Million Ten Thousand Dollars (\$3,010,000.00) of Act 153 Open Space funds, specifically conditioned on the conveyance of the Highlands Property to HHS by the Commonwealth of Pennsylvania. A true and correct copy of the Conservation Easement is attached hereto as Exhibit "A" and incorporated herein by reference. A true and correct copy of the Agreement of Sale is attached hereto as Exhibit "B" and incorporated herein by reference.

ii. The appropriate Township officers and officials are hereby authorized to execute all documents required to obtain the Conservation Easement, including but not limited to, the Agreement of Sale and the Conservation Easement.

iii. All ordinance or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of the inconsistency.

iv. The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is determined by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance.

v. This Ordinance shall go into effect on the date that the Highlands Property is conveyed to HHS, and is conditioned specifically on the final, unappealable conveyance of the Highlands Property to HHS.

ORDAINED and ENACTED this 10th day of September, 2020.

ATTEST:

BOARD OF SUPERVISORS OF WHITEMARSH TOWNSHIP

Richard L. Mellor, Jr., Manager

By: Laura Boyle Nester, Chair