

**ORDER # FY20 -26**

**AN ORDER AUTHORIZING THE ACQUISITION OF THE HICKORY RIDGE PROPERTY**

**WHEREAS**, the Town Council serves as the legislative body of the Town of Amherst; and

**WHEREAS**, the Town Manager recommended that the Town acquire the Hickory Ridge property, described below, for open space purposes, general municipal purposes and for the purpose of conveyance; and

**WHEREAS**, the Town Council voted on June 17, 2019, under Appropriation and Transfer Order FY20-07, to appropriate \$200,000 from the Community Preservation Act Fund for the acquisition of the open space portion of the Hickory Ridge property, as recommended by the Community Preservation Act Committee; and

**WHEREAS**, the Town Manager has recommended that the Town Council authorize the acquisition of the Hickory Ridge property and appropriate the remaining funds therefor and for the purpose of maintaining and operating said property; and

**WHEREAS**, the owner of the Hickory Ridge property is amenable to conveying the property to the Town, subject to the owner reserving an easement to use portions thereof for solar energy, access and utility purposes for a term of years; and

**WHEREAS**, the best interests of the Town would be served by authorizing the acquisition of the Hickory Ridge property for the foregoing purposes pursuant to said recommendations; and

**NOW THEREFORE BE IT ORDERED** by the Town Council of the Town of Amherst that:

1. The Town Manager is authorized to acquire, by purchase, gift, and/or eminent domain, the parcel of land with the improvements thereon known as the Hickory Ridge Golf Course, located at 191 West Pomeroy Lane, identified by the Assessor's as Parcel 19D-10, containing 149 acres, more or less, and described in a deed recorded with the Hampshire Registry of Deeds in Book 10876, Page 172, said acquisition to be on such terms and conditions as the Town Manager deems appropriate, including, without limitation, acquiring an approximately 30-acre portion of the property subject to an easement reserved by the owner to use said portion for solar energy, access and utility purposes for a term of up to 40 years for nominal consideration;
2. The sum of \$520,000 is appropriated to fund the cost of said acquisition and costs related or incidental thereto and an additional sum of \$100,000 is appropriated for the purpose of maintaining and operating said property, for a total appropriation of \$620,000, of which \$114,000 shall be transferred from the Sale of Real Estate Accounts under G.L. c. 44, §63 and \$306,000 shall be to be transferred from the Stabilization Fund, with the remaining sum of \$200,000 having already been

appropriated from the Community Preservation Act Fund for the purpose of acquiring a portion or portions of the property for open space purposes, the exact size and location of which portions will be determined by the Town Council at a later date and held under the care, custody, management and control of the Conservation Commission under the provisions of G.L. c. 40, §8C and Article 97 of the Massachusetts Constitution, with the remaining property to be acquired and held for general municipal purposes and for the purpose of conveyance; and

3. The Town Manager and/or the Conservation Commission are authorized to apply for, accept and expend any funds that may be provided by the Commonwealth or other public or private sources to defray all or a portion of the costs of said acquisition, including, but not limited to, grants and/or reimbursement from the Commonwealth under the Self-Help Act, G.L. c. 132A, Section 11 (now, so-called LAND grants), which grants and/or funds so received shall be used to repay all or a portion of the sum transferred from the Community Preservation Fund hereunder, and enter into any and all agreements and execute any and all instruments as may be necessary or appropriate to effectuate the foregoing acquisition; and, further, the Town Manager and/or the Conservation Commission are authorized to convey a conservation restriction on the open space portions of the property in accordance with G.L. c. 184, as required by G.L. c. 44B, §12(a).

\_\_\_\_\_  
Council Member

I hereby certify that at a regular meeting of the Town Council for which a quorum was present, the above Order was adopted by a vote of \_\_\_\_ for, \_\_\_\_ against and \_\_\_\_ present on October \_\_\_\_, 2019.

\_\_\_\_\_  
Athena O’Keeffe, Council Clerk

\_\_\_\_\_  
J. Lynn Griesemer, Council President