

1EXPLANATION: This Ordinance authorizes the transfer of Block 176, Lot 14 to the County of Somerset.

ORDINANCE 2010-23

**AN ORDINANCE AUTHORIZING THE TRANSFER OF
THE PRESERVED PROPERTY AT BLOCK 176, LOT 14
(PLEASANT VIEW ROAD) TO THE COUNTY OF
SOMERSET FOR INCLUSION AND MANAGEMENT IN
THE COUNTY'S LAND PRESERVATION PROGRAM**

WHEREAS, the Township of Hillsborough is the owner of the property shown as Block 176, Lot 14 on the Tax Map of the Township of Hillsborough ("Property"); and

WHEREAS, the Township acquired the Property from the Atlantic Companies Fund II, L.P., by Deed of Dedication, dated May 24, 2007, and recorded in Deed Book 120, Page 3074 in the Somerset County Clerk's Office; and

WHEREAS, the Property is contiguous to properties owned by the County of Somerset known as Block 176, Lots 1.01, 3.02, 5, 5.02 and 10.01 as shown on the Township of Hillsborough Tax Map ("County Property"); and

WHEREAS, the County Property forms a trail system, which trail system would be enhanced by adding the Property to the County Property; and

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, et seq., allows the transfer of municipally owned land to a county in certain circumstances. N.J.S.A. 40A:12-13.4 provides that:

Notwithstanding any law to the contrary, when the governing body of a municipality determines that all or part of a tract of land, with or without improvements, owned by the municipality is not then needed for municipal purposes, it may, by ordinance, authorize a private sale and conveyance of the property, or any part thereof, to the county in which it is located, without compliance with any other law governing disposal of

lands by municipalities, for a consideration which may be nominal, and containing a limitation that the lands or buildings shall be used only for public purposes of the county, and that if the lands or buildings are not used in accordance with the limitation, title thereto shall revert to the municipality without any entry or reentry made thereon on behalf of the municipality.

WHEREAS, the Township Committee of the Township of Hillsborough is of the opinion that the circumstances required by N.J.S.A. 40A:12-13.4 are present; namely, the Property is not needed for municipal purposes and may be transferred to the County provided that it shall only be used for a public purpose; namely, open space, and if the Property is not used in accordance with this limitation, title shall revert to the Township; and

WHEREAS, the Township is of the opinion that the transfer of the Property is beneficial to the health, safety and welfare of the residents of the Township because the Property is not needed for municipal purposes and will continue as open space as part of the County trail system; and

WHEREAS, the Township is desirous of transferring the Property to the County of Somerset provided certain conditions be met.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hillsborough, Somerset County, New Jersey, that the Property be transferred to the County of Somerset on the following conditions:

1. That the Township Attorney is hereby authorized to prepare the necessary closing documents to convey the Property and attend the closing.
2. That the Mayor and Clerk are hereby authorized to sign the necessary closing documents.
3. That the Property is sold “as is” and “where is.”
4. That the Property be conveyed by way of a Quitclaim Deed with a reverter clause as required by N.J.S.A. 40A:12-13.4.
5. This Ordinance shall take effect in accordance with law.

ATTEST:

HILLSBOROUGH TOWNSHIP

Kevin P. Davis, Clerk

Frank DelCore, Mayor

Introduced: 07/13/10

Published: 07/22/10

Public Hearing: 08/10/10

Adopted: 08/10/10

Published: 08/19/10

Send to e-code: 08/11/10

Add to Code Book for Sale: 08/11/10