

EXPLANATION: This Ordinance authorizes the Township of Hillsborough to purchase a portion of Block 175, Lot 26 from Transcontinental Gas Pipe Line, LLC, and authorizes an appropriation in an amount not to exceed \$250,000.00 from the Open Space Trust Fund.

ORDINANCE 2010-27

AN ORDINANCE AUTHORIZING THE TOWNSHIP OF HILLSBOROUGH TO PURCHASE A PORTION OF BLOCK 175, LOT 26 FROM THE TRANSCONTINENTAL GAS PIPE LINE, LLC, AND AUTHORIZING AN APPROPRIATION IN AN AMOUNT NOT TO EXCEED \$250,000.00 FROM THE OPEN SPACE TRUST FUND.

WHEREAS, the Township of Hillsborough negotiated with the Transcontinental Gas Pipe Line, LLC, to purchase a portion of Block 175, Lot 26 (“Property”) for open space, conservation and recreational or similar uses as authorized in N.J.S.A. 40A:12-1 et seq.; and

WHEREAS, the negotiations resulted in an agreement being reached subject to the approval and ratification of the Township Committee; and

WHEREAS, the Township Attorney drafted a “Contract for the Purchase of Real Estate” (“Contract”) between Transcontinental Gas Pipe Line, LLC, and the Township, which Contract was reviewed, revised and approved by the attorney for Trans- continental Gas Pipe Line, LLC, and;

WHEREAS, the Contract has been executed by Transcontinental Gas Pipe Line, LLC; and

WHEREAS, the Contract calls for a total purchase price for a portion of the Property in an amount not to exceed \$250,000.00 for the Property; and

WHEREAS, the Contract is subject to certain contingencies which must be satisfied before closing of title; and

WHEREAS, the Township Committee reviewed the Contract and discussed it with the Township Attorney and finds it acceptable; and

WHEREAS, the Township Committee desires to authorize the Mayor and Township Clerk to execute the Contract on behalf of the Township; to authorize the Township Administrator and Township Attorney to take all required action to satisfy all contingencies contained in the Contract; and to arrange to close within one hundred and eighty (180) days from the Effective Date of the Contract; and

WHEREAS, the Open Space Advisory Committee recommended the acquisition of the Property for the purposes set forth hereinbefore and the funding of such acquisition through the Open Space Trust Fund (“Trust Fund”); and

WHEREAS, the Township will fund the purchase price through the said Trust Fund; and

WHEREAS, the Township intends to seek partial reimbursement for the acquisition of the Property from the County of Somerset; and

WHEREAS, the Contract is contingent upon the Seller donating approximately one (1) acre, subject to a survey, of the Property to the Hillsborough First Aid and Rescue Squad, Inc.; and

WHEREAS, the Contract is contingent upon the Township, at its sole cost and expense, obtaining a subdivision of the property to create two (2) lots within ninety (90) calendar days of the Effective Date of the Contract; and

WHEREAS, the acquisition of the property is contingent upon Transcontinental Gas Pipe Line, LLC, simultaneously conveying the subdivided parcel to the Hillsborough First Aid and Rescue Squad, Inc.; and

WHEREAS, the Township Committee desires to adopt this Ordinance to authorize the acquisition of the Property, authorize the funding for the acquisition of the Property, and authorize seeking reimbursement from the County of Somerset; and

WHEREAS, the Township Committee desires to authorize the Township Administrator and Attorney to obtain all necessary studies, including title searches, surveys, Phase I Environmental Audit and to proceed to obtain subdivision approval; and

WHEREAS, it is the intention of the Township, if necessary, to assign to or restrict the Property as required by the County of Somerset in order to receive reimbursement; and

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-13(b)(1) and N.J.S.A. 40A:12-13.4, authorizes the Township to transfer unneeded municipal interests in land to the County at a private sale provided that the property continues to serve a public purpose; namely, preserved as open space.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Hillsborough, in the County of Somerset and State of New Jersey, as follows:

1. This Ordinance, upon final adoption, shall authorize the Township of Hillsborough to acquire the Property, authorize the funding for the acquisition of the Property, authorize seeking reimbursement from the County of Somerset, authorize all necessary studies, including title searches, surveys and a Phase I Environmental Audit and expend money from the Trust Fund for these purposes.

2. The Township of Hillsborough Mayor and Clerk are hereby directed and authorized to utilize the Trust Fund for this purchase, to execute the “Contract for the Purchase of Real Estate” for the purchase of a portion of Block 175, Lot 26 in an amount not to exceed \$250,000.00.

3. The Township Administrator and Township Attorney are hereby directed to take all action required to satisfy the contingencies contained in the Contract.

4. The Township Administrator and Township Attorney are hereby directed to apply for reimbursement of all or a portion of the purchase price, and to take all action necessary to accomplish these goals.

5. There is hereby authorized an appropriation in an amount not to exceed \$250,000.00 from the Trust Fund for the acquisition of the Property described in this Ordinance. The Township Chief Financial Officer shall, prior to the effective date of this Ordinance, file with the Township Clerk a statement certifying that sufficient funds are available in the Trust Fund to make this appropriation. The original certification shall be attached to the original of this Ordinance and shall be kept on file with the Township Clerk.

6. The Township Mayor, Clerk and Attorney are hereby authorized to take any action necessary to assign, if necessary, its interest in the Property to the County of Somerset in exchange for partial reimbursement of the purchase price.

7. This Ordinance shall take effect upon its final passage and publication according to law.

ATTEST:

HILLSBOROUGH TOWNSHIP

By: _____
Kevin P. Davis, Clerk

By: _____
Frank DelCore, Mayor

Introduced: 08/10/10
Published: 08/19/10
Public Hearing: 09/14/10
Adopted: 09/14/10
Published: 09/23/10
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