

**Explanation:** This Ordinance authorizes the assignment of a Deed of Easement and General Utility Easement from the Township of Hillsborough to the Township of Hillsborough Municipal Utilities Authority.

**ORDINANCE 2008-02**

**AN ORDINANCE AUTHORIZING THE ASSIGNMENT OF A DEED OF EASEMENT AND GENERAL UTILITY EASEMENT FROM THE TOWNSHIP OF HILLSBOROUGH TO THE TOWNSHIP OF HILLSBOROUGH MUNICIPAL UTILITIES AUTHORITY.**

**WHEREAS**, on June 28, 1978, the Administrator of Veterans Affairs, acting for and on behalf of the United States of America, conveyed to the Township of Hillsborough a Deed of Easement (“VA Deed of Easement”) over a portion of Lot 23 in Block 142 as shown on the Township of Hillsborough Tax Map, consisting of:

an easement 20’ wide to construct, install, operate, maintain, repair, replace and/or relocate a sanitary sewer line, in, over and across a portion of the Veterans Administration Supply Depot, Somerville, New Jersey,

and

**WHEREAS**, the VA Deed of Easement was recorded on July 24, 1978 in the Somerset County Clerk’s office in Deed Book 1379, beginning at Page 867; and

**WHEREAS**, the VA Deed of Easement should have been conveyed to the Township of Hillsborough Municipal Utilities Authority because the MUA is charged with public and essential governmental functions to provide for the public health and welfare, and to acquire, construct, maintain, operate or improve works for the accumulation, supply or distribution of water and works for the collection, treatment, purification or disposal of sewage or other wastes; and

**WHEREAS**, on June 26, 1980, EMMM, Inc., conveyed to the Township of Hillsborough a General Utility Easement (“EMMM General Utility Easement”) over a portion of Lot 19 in Block 143, as shown on the Township of Hillsborough Tax Map, including:

the right of the grantee, and its successors and assigns, to enter upon said easement with such men, materials and equipment as may be required, for the purposes of constructing, installing, maintaining, repairing, reconstructing and inspecting such utilities as may be placed therein,

and

**WHEREAS**, the EMMM General Utility Easement was recorded on August 25, 1980 in the Somerset County Clerk’s office in Deed Book 1426, beginning at Page 131; and

**WHEREAS**, the EMMM General Utility Easement should have also been conveyed to the Township of Hillsborough Municipal Utilities Authority; and

**WHEREAS**, the VA Deed of Easement is attached to this Ordinance as Exhibit A; and

**WHEREAS**, the EMMM General Utility Easement is attached to this Ordinance as Exhibit B; and

**WHEREAS**, on September 5, 2003, the Department of Veterans Affairs entered into an Enhanced-Use Lease with the Somerville Business Park LLC for the Somerville Asset Management Service Facility, a portion of Lot 23 in Block 142 as shown on the Township of Hillsborough Tax Map (“Leased Facility”); and

**WHEREAS**, the sanitary sewer system within the Leased Facility is about to be significantly improved; and

**WHEREAS**, Somerville Business Park LLC seeks to flow its sewerage through the VA and EMMM easements; and

**WHEREAS**, Somerville Business Park LLC agreed to be solely responsible for any upgrades to the sewer line in the VA and EMMM easements that the Township of Hillsborough Municipal Utilities Authority may require prior to its acceptance of the easements; and

**WHEREAS**, the Township of Hillsborough wishes to assign its interest in the VA Deed of Easement and the EMMM General Utility Easement to the Township of Hillsborough Municipal Utilities Authority; and

**WHEREAS**, the Local Lands and Buildings Law, N.J.S.A. 40A:12-13(b)(1), authorizes the Township of Hillsborough to transfer unneeded easements to the Township of Hillsborough Municipal Utilities Authority provided that the easements continue to serve a public purpose; namely, for the conveyance of sewage.

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

1. Through this Ordinance, the Township finds that the easements are not needed for a municipal purpose.
2. Through this Ordinance, the Township Mayor, Clerk and Attorney are hereby authorized to take any and all action and execute an Assignment of Easements to the Township of Hillsborough Municipal Utilities Authority.
3. That Somerville Business Park LLC is solely responsible for any upgrades to the sewer line in the VA and EMMM easements that the Township of Hillsborough Municipal Utilities Authority may require prior to its acceptance of the easements.
4. This Ordinance shall take effect upon adoption and publication according to law.

ATTEST:

TOWNSHIP OF HILLSBOROUGH:

\_\_\_\_\_  
Kevin P. Davis, Township Clerk

\_\_\_\_\_  
Anthony Ferrera, Mayor

*Introduced: 1/22/08*

*Published: 1/31/08*

*Public Hearing: 2/26/08*

*Adopted: 2/26/08*

*Published: 3/06/08*