

ORDINANCE 2008-05

AN ORDINANCE VACATING, EXTINGUISHING, TERMINATING AND FOREVER ELIMINATING CERTAIN CONSERVATION EASEMENTS, ACCESS EASEMENTS, UTILITY EASEMENTS, AND SIGHT EASEMENTS OVER LOTS 13.01, 13.02 AND 13.03 IN BLOCK 167 AS SHOWN ON THE TOWNSHIP OF HILLSBOROUGH TAX MAP.

WHEREAS, on October 6, 1994, the Township of Hillsborough Planning Board granted Joseph Laine and Cora Laine, his wife, a minor subdivision of Lot 13 in Block 167 into Lots 13.01, 13.02 and 13.03 in Block 167;

WHEREAS, on June 22, 1995, Joseph Laine and Cora Laine, his wife, conveyed to the Township of Hillsborough a Conservation Easement over Lot 13.01 in Block 167, which Conservation Easement was recorded on October 10, 1995, in Deed Book 2029, beginning at Page 703 in the Office of the Clerk of Somerset County; and

WHEREAS, on September 28, 1995, Joseph Laine and Cora Laine, his wife, conveyed to the Township of Hillsborough a Conservation Easement over Lot 13.02 in Block 167, which Conservation Easement was recorded on October 10, 1995, in Deed Book 2029, beginning at Page 696 in the Office of the Clerk of Somerset County; and

WHEREAS, on June 22, 1995, Joseph Laine and Cora Laine, his wife, conveyed to themselves a thirty (30) foot wide Access Easement and a ten (10) foot wide Utility Easement over Lot 13.01 in Block 167, which Access and Utility Easement was recorded on September 22, 1995 in Deed Book 2027, beginning at Page 29 in the Office of the Clerk of Somerset County; and

WHEREAS, on June 22, 1995, Joseph Laine and Cora Laine, his wife, conveyed to themselves a thirty (30) foot wide Access Easement and a ten (10) foot side Utility Easement over Lot 13.02 in Block 167, which Access and Utility Easement was recorded on September 22, 1995 in Deed Book 2027, beginning at Page 044 in the Office of the Clerk of Somerset County; and

WHEREAS, on June 22, 1995, Joseph Laine and Cora Laine, his wife, conveyed to themselves a thirty (30) foot wide Access Easement and a ten (10) foot side Utility Easement over Lot 13.03 in Block 167, which Access and Utility Easement was recorded on September 22, 1995 in Deed Book 2027, beginning at Page 59 in the Office of the Clerk of Somerset County; and

WHEREAS, on June 22, 1995, Joseph Laine and Cora Laine, his wife, conveyed to themselves a thirty (30) by sixty (60) foot Sight Easement over Lot 13.01, which Sight Easement was recorded on September 22, 1995 in Deed Book 2027, beginning at Page 29 in the Office of the Clerk of Somerset County; and

WHEREAS, on June 22, 1995, Joseph Laine and Cora Laine, his wife, conveyed to themselves a thirty (30) by sixty (60) foot Sight Easement over Lot 13.03, which Sight Easement was recorded on

September 22, 1995 in Deed Book 2027, beginning at Page 60 in the Office of the Clerk of Somerset County; and

WHEREAS, the Township of Hillsborough acquired Lot 13.01 in Block 167 on April 26, 2007 for open space conservation; and

WHEREAS, the Township of Hillsborough acquired Lots 13.02 and 13.03 in Block 167 on October 11, 2006 for open space conservation; and

WHEREAS, the Township of Hillsborough wishes to merge Lots 13.01, 13.02 and 13.03 in Block 167 (“Property”) into one (1) lot to be known as Lot 13.01 in Block 167; and

WHEREAS, the Township of Hillsborough never accepted the Conservation Easement over Lots 13.01 and 13.02 in Block 167, and the Conservation Easement areas were never opened to the public by the Township; and

WHEREAS, N.J.S.A. 40:67-19 provides that whenever there shall have been a dedication of a public place, and the same has not been accepted or opened by the municipality, and it shall appear to the governing body that the public interest will be better served by releasing those lands from such dedication, the municipality may adopt an ordinance discharging the dedication as if it had not taken place provided that notice of the intention of the governing body to consider such an ordinance shall have been given pursuant to applicable law; and

WHEREAS, it appears to the Township Committee of the Township of Hillsborough that the public interest will be better served by releasing Lots 13.01 and 13.02 in Block 167 from the Conservation Easement and placing the restrictions associated with the State of New Jersey Green Acres Program on the Property; and

WHEREAS, the Access Easements, Utility Easements, and Sight Easements described in this Ordinance were necessary when the Property was to be developed for single family residences and are no longer necessary; and

WHEREAS, because the Property is being merged into one (1) lot and used for open space conservation, the easements described in this Ordinance are no longer necessary and the Township of Hillsborough desires to vacate these easements.

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

Section 1: That Lots 13.01, 13.02 and 13.03 in Block 167 (“Property”) are merged into one (1) lot, with the new lot number to be assigned by the Tax Assessor.

Section 2: The easements described in this Ordinance over the Property are no longer needed or are a benefit to the general public and the public interest will be better served by releasing these easements.

Section 3: The Township of Hillsborough by adopting this Ordinance does hereby vacate, extinguish, terminate and forever eliminate any rights of the general public to the easements described in this Ordinance. Said vacation is in accordance with N.J.S.A. 40:67-19 which provides that a governing body of a municipality may adopt an ordinance to vacate public easements.

Section 4: The easements described in this Ordinance are all merged into the Township of Hillsborough's ownership of the Property.

Section 5: The easements being vacated shall accrue and become part of the property owned by the Township of Hillsborough.

Section 6: The Ordinance shall take effect upon the adoption, passage and publication required by law.

Introduced: 2/12/08
Published: 2/21/08
Public Hearing: 3/25/08
Adopted: 3/25/08
Published: 4/3/08

ATTEST:

TOWNSHIP OF HILLSBOROUGH:

Kevin P. Davis, Township Clerk

Anthony Ferrera, Mayor