

Explanation: This Ordinance authorizes two (2) Easement Modifications to Public Service Electric and Gas Company for portions of property known as Block 13.01, Lot 4.18, and Block 148, Lot 1, without public auction.

ORDINANCE 2008-34

**AN ORDINANCE AUTHORIZING TWO (2) EASEMENT
MODIFICATIONS TO PUBLIC SERVICE ELECTRIC AND
GAS COMPANY FOR PORTIONS OF PROPERTY
KNOWN AS BLOCK 13.01, LOT 4.18, AND BLOCK 148,
LOT 1, WITHOUT PUBLIC AUCTION.**

WHEREAS, the Township of Hillsborough is the owner of certain tracts of land which were dedicated to the Township for open space and known as Block 13.01, Lot 4.18, and Block 148, Lot 1, as shown on the Tax Map of the Township of Hillsborough; and

WHEREAS, on February 14, 1958, the Township's predecessor in interest conveyed an easement ("the Original Easement") for Block 13.01, Lot 4.18, to Public Service Electric and Gas Company ("PSE&G"), which Original Easement was recorded in the Somerset County Clerk's office on February 14, 1958 in Deed Book 913, Page 354; and

WHEREAS, on May 21, 1971, the Township's predecessor in interest conveyed a second easement ("the Second Easement") for Block 13.01, Lot 4.18, to PSE&G, which Second Easement was recorded in the Somerset County Clerk's office on June 3, 1971 in Deed Book 1242, Page 221; and

WHEREAS, on February 28, 1957, the Township's predecessor in interest conveyed an easement ("the Third Easement") for Block 148, Lot 1, to PSE&G, which Third Easement was recorded in the Somerset County Clerk's office on March 5, 1957 in Deed Book 889, Page 440; and

WHEREAS, PSE&G, in addition to its existing rights under the Original, Second and Third Easements, desires to acquire additional easement rights; and

WHEREAS, within the easement areas described above, PSE&G maintains two (2) rows of high tension electric transmission towers; and

WHEREAS, within the two (2) rows of high tension electric transmission towers, and

within the easement areas described above, PSE&G was required by the Federal Energy Regulatory Commission (“FERC”) to install additional electric transmission poles; and

WHEREAS, these additional electric transmission poles do not add a burden to the easement area because of the pre-existing rows of high tension electric transmission towers, and because FERC has concluded that the electric transmission poles are necessary for PSE&G to provide safe and efficient service to the public; and

WHEREAS, these additional electric transmission poles require a modification to the Original, Second and Third Easements; and

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, et seq., allows the transfer of municipally owned land in certain circumstances without public auction; and

WHEREAS, the Township wishes to convey these additional easement rights to PSE&G in accordance with the Easement Modification for Block 13.01, Lot 4.18, attached as Exhibit “A”, and the Easement Modification for Block 148, Lot 1, attached as Exhibit “B” because the modified easement area will conform with the FREC requirements and continue to serve a public purpose; namely, the provision of electric service to the public; and

WHEREAS, an appraisal of the value of the Easement Modification for Block 13.01, Lot 4.18 was performed and the easement value is \$45,000.00; and

WHEREAS, an appraisal of the value of the Easement Modification for Block 148, Lot 1 was performed and the easement value is \$44,300.00; and

WHEREAS, both appraisals were reviewed by the Township Tax Assessor who found the valuation reasonable; and

WHEREAS, because the easement areas are subject to the restrictions imposed by the New Jersey Department of Environmental Protection Green Acres Program, PSE&G obtained authorization from the State House Commission for the Easement Modifications, a process commonly referred to as a diversion; and

WHEREAS, the Township Committee reviewed the proposed Easement Modifications and appraisals, and discussed them with the Township Attorney who finds them acceptable; and

WHEREAS, the Township Committee desires to authorize the Mayor and Township Clerk to execute the Easement Modifications on behalf of the Township.

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 Mayor and Clerk are hereby authorized to execute the two (2) Easement Modifications to convey additional easement rights

to PSE&G on Block 13.01, Lot 4.18, and Block 148, Lot 1.

2. This Ordinance shall take effect upon adoption and publication according to law.

ATTEST:

**HILLSBOROUGH TOWNSHIP
COMMITTEE**

By: _____
Kevin P. Davis, Clerk

By: _____
Anthony Ferrera, Mayor

Introduced: August 26, 2008
Published: September 4, 2008
Public Hearing: September 23, 2008
Adopted: September 23, 2008
Published: October 2, 2008