

1EXPLANATION: This Ordinance authorizes the Township to accept a Deed for the property commonly known as Block 185, Lot 1.05, as shown on the Township of Hillsborough Tax Map, and a Deed of Easement for Access to Block 185, Lot 1.05 through the remaining portion of Block 185, Lot 1.

ORDINANCE 2005-49

AN ORDINANCE AUTHORIZING THE TOWNSHIP TO ACCEPT A DEED FOR THE PROPERTY COMMONLY KNOWN AS BLOCK 185, LOT 1.05, AS SHOWN ON THE TOWNSHIP OF HILLSBOROUGH TAX MAP, AND A DEED OF EASEMENT FOR ACCESS TO BLOCK 185, LOT 1.05 THROUGH THE REMAINING PORTION OF BLOCK 185, LOT 1.

1WHEREAS, Guastella Family Associates, L.P., is the current owner of approximately 24.5 acres of land on Weston Road, identified on the Township of Hillsborough Tax Map as Lot 1, Block 185 (“Property”), which was purchased from the Township of Hillsborough in March, 1970 by John A. Guastella, Sr. and Joseph H. Puza, Jr.; and

WHEREAS, on October 4, 1990, the Hillsborough Township Planning Board granted preliminary and major subdivision of the Property as memorialized by Resolution 89-PB-53MJ/P, dated November 1, 1990; and

WHEREAS, on July 21, 2000, a lawsuit titled Guastella Family Associates, L.P., et al. v. The Township of Hillsborough, was filed in the Superior Court of New Jersey, Law Division, Somerset County, Docket No. L-1196-00, arising out of the Township’s sale of the Property to the Guastella Family Associates, L.P.’s, predecessors in title and the Township’s operation of a landfill on the Property; and

WHEREAS, the parties subsequently entered into a Settlement Agreement, dated October 4, 2000, wherein, among other conditions, the parties agreed to the filing of an application for amended subdivision approval in order to subdivide the designated landfill area from the Property and have same reconveyed to the Township for the Township to effect the closure of the landfill; and

WHEREAS, as a requirement of the Settlement Agreement, it is the intent of this Ordinance to authorize the Township to accept a Deed for a portion of the Property (the designated landfill area); namely, Lot 1.05, Block 185, at no consideration; and

WHEREAS, it is the further intent of this Ordinance to authorize the Township to also accept a Deed of Easement for Access, at no consideration, for access from Weston Road to Lot 1.05 in Block 185 through the remaining portion of Block 185, Lot 1;, and

WHEREAS, at such time as the access is dedicated to the Township as a public road, said Deed of Easement shall terminate.

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

1. Through this Ordinance, the Township of Hillsborough is authorized to accept a Deed conveying Lot 1.05, Block 185 (the designated landfill area) to the Township, at no consideration; and
2. Through this Ordinance, the Township of Hillsborough is also authorized to accept a Deed of Easement for Access for access from Weston Road to Lot 1.05 in Block 185, through the remaining portion of Block 185, Lot 1, at no consideration, and at such time as the access is dedicated to the Township as a public road, the Deed of Easement shall terminate.
3. This Ordinance shall take effect upon adoption and publication according to law.

Introduced: ***11/22/05***
Published: ***12/1/05***
Public Hearing: ***12/13/05***
Adopted: ***12/13/05***
Published:

ATTEST:

HILLSBOROUGH TOWNSHIP COMMITTEE

Kevin P. Davis, Clerk

Robert C. Wagner, Jr., Mayor