

ORDINANCE NO. 2004-45

AN ORDINANCE CONFIRMING THE ACQUISITION OF A DEVELOPMENT EASEMENT ON THE PROPERTY COMMONLY KNOWN AS A PORTION OF BLOCK 11, LOT 27, AS SHOWN ON THE TOWNSHIP OF HILLSBOROUGH TAX MAP, AND AUTHORIZING THE ASSIGNMENT OF A DEED OF EASEMENT TO THE COUNTY OF SOMERSET.

WHEREAS, the Township Committee of the Township of Hillsborough filed an application with the State of New Jersey Agriculture Development Committee (“SADC”) to participate in the State’s Planning Incentive Grant (“PIG”) Program; and

WHEREAS, on November 26, 2001, the Township Committee of the Township of Hillsborough, County of Somerset State of New Jersey, adopted Ordinance 2002-42, titled “An Ordinance Authorizing the Acquisition of Development Easement of the Property Commonly known as the Daniel Farm, Consisting of Approximately 79.73 Acres Existing in Block 11, Lot 27 Bordering Amwell Road for a Sum not to Exceed \$14,500.00 Per Acre” ; and

WHEREAS, pursuant to Ordinance 2002-42, on July 21, 2004, the Township acquired a development easement on the Property; and

WHEREAS, the total price of the acquisition of the development easement was \$1,101,362.00; and

WHEREAS, on the PIG Application, the Property was shown as a property which would be enrolled in the PIG Program; and

WHEREAS, it was never the intention of the Township to retain ownership of the interest it acquired in the Property, but rather to preserve the land for farming; and

WHEREAS, the PIG Program is funded by both the State of New Jersey (“State”) and County of Somerset (“County”) and

WHEREAS, in order for the Township to receive reimbursement from the State and County, the Township’s interest in the Property must be conveyed to the County; 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, authorize the Township to transfer unneeded municipal land to the County at a private sale provided that the property continues to serve a public purpose, namely, preserved as farmland; and

WHEREAS, the Township hereby finds and declared that the Property is unneeded for municipal purposes and the Township acquired an interest in the Property solely to preserve it as farmland.

WHEREAS, in the event that the SADC and County determine that a Corrective Deed of Easement is required, it is the intent of this Ordinance to authorize the acceptance of a Corrective Deed of Easement for the Property at no additional consideration which conforms to the SADC requirements and assign that Corrective Deed of Easement to the County.

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 ratifies and confirms any and all action taken to acquire the Property and any and all action taken prior to the adoption of this Ordinance to assign the Township’s interest in the Property to the County.
2. Through this Ordinance, the Township is, if necessary, specifically authorized to accept a Corrective Deed of Easement at no additional consideration.

3. Through this Ordinance, the Township finds that the Property is unneeded for municipal purposes.
4. Through the Ordinance, the Township Mayor and Clerk are authorized to take any and all action and execute any and all documents necessary to assign the Deed of Easement or Corrective Deed of Easement to the County of Somerset.
5. Through this Ordinance, the Township Attorney is authorized to deliver the Assignment of the Deed of Easement or Corrective Deed of Easement to the County of Somerset conditioned upon receiving appropriate reimbursement under the Planning Incentive Grant Program.

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

ATTEST:

TOWNSHIP OF HILLSBOROUGH

Kevin P. Davis, Acting Township Clerk

By: _____
Steven N. Sireci, Jr., Mayor