

**ORDINANCE NO. 2004-47**

**AN ORDINANCE CONFIRMING THE ACQUISITION OF THE PROPERTY COMMONLY KNOWN AS BLOCK 8, LOT 4; BLOCK 11, LOT 1; BLOCK 11, LOT 10A; AND BLOCK 11, LOT 13, AS SHOWN ON THE TOWNSHIP OF HILLSBOROUGH TAX MAP, AND AUTHORIZING THE CONVEYANCE 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, 2002, the Township Committee of the Township of Hillsborough, County of Somerset State of New Jersey, adopted Ordinance 2002-43, titled “An Ordinance Authorizing the Fee Simple Acquisition of the Property More Commonly Known as the Bothers Farm, Consisting of Approximately 194.03 Acres Existing in Block 8, Lot 4; Block 10, Lot 2; Block 11, Lot 1; Block 11, Lot 10A; Block 11, Lot 13; and Block 11, Lot 13Q: Farm Bordering Mill Lane and River Road for a Sum Not to Exceed \$18,875.00 Per Acre”; and

**WHEREAS**, pursuant to Ordinance 2002-43, on July 23, 2003, the Township acquired the Property in fee; and

**WHEREAS**, the total price for the acquisition of the Property was \$3,544,385.25; 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 unencumbered ownership of 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**, it is also the intention of this Ordinance to ratify and confirm the decision of the Township Committee of the Township of Hillsborough to seek subdivision of the Property into two (2) lots; and

**WHEREAS**, on June 10, 2004, the Planning Board of the Township of Hillsborough memorialized a Resolution granting the Township minor subdivision approval; and

**WHEREAS**, it is further the intention of this Ordinance to modify the PIG Application to only include Lot 18.01 consisting of 158.479 acres (“PIG Property”), and exclude Lot 13.02 consisting of 27.837 acres; and

**WHEREAS**, in order for the Township to receive reimbursement from the State and County, the Township must convey a Deed of Easement in the PIG Property 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 declares that the PIG Property is unneeded for municipal purposes and the Township acquired an interest in the PIG Property solely to preserve it as farmland; and

**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 Mayor and Clerk to execute a Corrective Deed of Easement for the PIG Property at no additional consideration which conforms to the SADC requirements and assign that Corrective Deed of Easement to the County.

**NOW, THEREOFRE, 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 convey a Deed of Easement to the County for the PIG Property.
2. Through this Ordinance, the Township is, if necessary, specifically authorized to execute a Corrective Deed of Easement at no additional consideration for the PIG Property.
3. Through this Ordinance, the Township finds that the PIG Property is unneeded for municipal purposes.
4. Through this Ordinance, the Township Mayor and Clerk are authorized to take any and all action and execute any and all documents necessary to convey 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 Deed of Easement or Corrective Deed of Easement to the County of Somerset conditioned

upon receiving appropriate reimbursement under the Planning Incentive Grant Program.

6. 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