

Explanation: This Ordinance authorizes the conveyance of the Mountain View Area Sanitary Sewer Extension Project to the Township of Hillsborough Municipal Utilities Authority.

ORDINANCE NO. 2008-31

**AN ORDINANCE AUTHORIZING THE CONVEYANCE
OF THE MOUNTAIN VIEW AREA SANITARY SEWER
EXTENSION PROJECT TO THE TOWNSHIP OF
HILLSBOROUGH MUNICIPAL UTILITIES AUTHORITY.**

WHEREAS, on September 1, 1966, the Township of Hillsborough Municipal Utilities Authority and the Township of Hillsborough entered into the 1966 Service Contract; and

WHEREAS, pursuant to the 1966 Service Contract, the sanitary sewer collection system in the Township is owned, managed and maintained by the Authority, which has the sole responsibility for the system and its connection to the Somerset Raritan Valley Sewerage Authority facilities; and

WHEREAS, Section 205 of the 1966 Service Contract provides that the Township will, upon notice from the Authority, convey “any sewer or other sanitary sewerage facility which may be owned by the Township” to the Authority; and

WHEREAS, on June 26, 2007, the Township adopted Ordinance 2007-20, titled “An Ordinance of the Township of Hillsborough, in the County of Somerset, New Jersey, Providing for the Installation of Sanitary Sewer Lines and Along Arthur Road, Tara Drive, Brook Drive and Mountain View Road and Related Expenses, in the Township of Hillsborough and Appropriating \$1,000,000 Therefore, and Providing for the Issuance of \$500,000 in Bonds or Notes of the Township of Hillsborough to Finance the Same, and Directing the Special Assessment of the Cost Thereof”, authorizing the financing, construction and special assessment for the Mountain View Area Sanitary Sewer Extension Project; and

WHEREAS, Ordinance 2007-20 provided for the entering of an agreement, titled “Sanitary Sewer Extension Assessment Agreement”, with the property owners benefited by the Mountain View Area Sanitary Sewer Extension Project; and

WHEREAS, the Agreement specifically provides that once the Mountain View Area Sanitary Sewer Extension Project was completed, that it would be conveyed by the Township to the Authority; and

WHEREAS, Section 3.3 of the Agreement provides that:

Upon completion of the Improvements (the Riverview Area Sanitary Sewer Extension Project) to the satisfaction of the Township, the Township hereby agrees to accept the dedication of the Sewer Extension and transfer same to the [Authority] to be owned and maintained by the [Authority] upon and after the dedication by the Property Owners to the Township.

; and

WHEREAS, the Township completed construction of the Mountain View Area Sanitary Sewer Extension Project and consistent with the 1966 Service Contract, Ordinance 2007-20, Section 3.3 of the Sanitary Sewer Extension Assessment Agreement, and the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 et seq., more specifically, N.J.S.A. 40A:12-21(i), wishes to convey the Mountain View Area Sanitary Sewer Extension Project to the Authority “for the use thereof for sewerage authority purposes”; and

WHEREAS, the Township wishes to convey to the Authority the Mountain View Area Sanitary Sewer Extension Project facilities, including all sanitary sewer mains, manholes, laterals and appurtenances for the Mountain View Area Sanitary Sewer Extension Project as delineated in the as-built plans prepared by Maser Consulting, P.A., dated August 4, 2008.

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

1. That the Mayor and Clerk are authorized to sign any documents necessary to effectuate that conveyance.

2. That the Authority continue to use the Mountain View Area Sanitary Sewer Extension Project for a public purpose; namely, for the collection and treatment of sewage to protect the health, safety and welfare of the Township's residents.
3. That this Ordinance shall take effect according to law.

**ATTEST:
COMMITTEE**

HILLSBOROUGH TOWNSHIP

Kevin P. Davis, Clerk

By: _____
Anthony Ferrera, Mayor

Introduced: 8/12/08

Published: 8/21/08

Public Hearing: 9/9/08

Adopted: 9/9/08

Published: 9/18/08