

ORDINANCE 2023-10

**TOWNSHIP OF HARDYSTON
SUSSEX COUNTY, NEW JERSEY**

**ORDINANCE OF THE TOWNSHIP OF HARDYSTON, IN THE COUNTY
OF SUSSEX AND STATE OF NEW JERSEY, ACCEPTING THE LAND
DONATION OF BLOCK 14, LOT 22.01, ALSO KNOWN AS 3601 ROUTE 94,
LOCATED IN THE TOWNSHIP OF HARDYSTON**

WHEREAS, U.S. Concrete, Inc. is the owner of vacant land located within the Township of Hardyston known as Block 14, Lot 22.01 on the Township Tax Map and consisting of approximately 190 acres ('Property'); and

WHEREAS, U.S. Concrete, Inc. has advised the Township that it wishes to donate said Property to the Township without any specific conditions or compensation ('Land Donation'); and

WHEREAS, the Mayor and Council believe that it would be in the best interest of the Township to accept this donation of Property subject to a due diligence review of the environmental condition of the Property, a clear title search and final review or revision to the agreement by the Township Attorney; and

WHEREAS, the Township on February 22, 2023, approved Resolution #21-23, authorizing the Township to enter into a land donation agreement between U.S. Concrete, Inc. and the Township of Hardyston, concerning the Property ('Land Donation Agreement'); and

WHEREAS, Resolution #21-23 conditioned the Township's acceptance of the Land Donation upon the completion of a due diligence review of the environmental condition of the property, a clear title search, and a final review of or revision to the agreement by the Township Attorney ('Due Diligence Process'); and

WHEREAS, N.J.S.A. 40A:12-1, et seq., the Local Lands and Buildings Law, authorizes municipalities to acquire real property by gift, pursuant to a duly adopted ordinance; and

WHEREAS, the Land Donation Agreement is conditioned upon all real estate taxes being current prior to closing, the Township adopting the instant Land Acquisition Ordinance, the conducting of a satisfactory environmental review of the property, and an acceptable title search of the property ('Agreement Requirements').

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Hardyston, in the County of Sussex, and State of New Jersey, as follows:

1. Subject to the Township completing due diligence to the satisfaction of the Township Council, the Township does hereby graciously accept the donation of the property located at Block 14, Lot 22.01 on the Township Tax Map ('Property'), from U.S. Concrete, Inc.

2. Subject to the Township completing due diligence to the satisfaction of the Township Council, the Township Attorney is hereby directed to prepare a Deed transferring the Property from U.S. Concrete, Inc. to the Township of Hardyston.

3. The Mayor, Township Manager, Township Attorney, Township Clerk, and/or such other Township Officials as the law may provide, are hereby authorized to prepare and execute such additional documents as may be required to effectuate the acquisition of the Property.

4. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

5. If any article, section, subsection, sentence, clause, or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, and they shall remain in full force and effect.

6. This Ordinance shall take effect immediately upon final passage and publication according to law.

ATTEST:

TOWNSHIP OF HARDYSTON
COUNTY OF SUSSEX
STATE OF NEW JERSEY

Jane Bakalarczyk, Township Clerk

Brian Kaminski, Mayor

NOTICE

PLEASE TAKE NOTICE that notice is hereby given that the above ordinance was introduced and passed at the regular meeting of the Hardyston Township Council held at the Municipal Building, 149 Wheatsworth Road, Hardyston, New Jersey, on September 14, 2023. The same came up for final adoption at a meeting of the Township Council of the Township of Hardyston held on September 27, 2023, and after all persons present were given the opportunity to be heard concerning the same, it was finally passed, adopted and will be in full force and effect in the Township according to law.

Jane Bakalarczyk, RMC/CMC
Municipal Clerk