

TOWNSHIP OF MOORESTOWN

ORDINANCE NO. 11-2014

**AN ORDINANCE OF THE TOWNSHIP OF MOORESTOWN
TO CORRECT AND MODIFY AN EASEMENT OVER BLOCK 3000, LOT 4,
FOR FIRE HYDRANTS, POTABLE WATER AND SANITARY SEWER
(EAST GATE SQUARE)**

WHEREAS, the Township of Moorestown owns easement rights along portions of the property identified on the municipal tax map as Block 3000, Lot 4; in particular, along the rear drive aisle south of the Ring Road around Moorestown Mall, parallel to Nixon Drive, in Moorestown Township (hereinafter, the “Property”); and

WHEREAS, the prior owner of the Property, East Gate Center IV Limited Partnership, and the Township, executed a Deed of Easements for Fire Hydrants, Potable Water and Sanitary Sewer, dated April 24, 2006 and recorded May 22, 2006 in the Office of the Clerk of Burlington County in Deed Book 6389 at Page 576 (hereinafter, the “Easement”); and

WHEREAS, there are two “Easement Areas” referenced in the Easement that were to be described in Exhibits to the Easement which were inadvertently not attached to the Easement for recording; and

WHEREAS, the current owners of the Property and the Township desire to correct the Easement to attach legal descriptions of the Easement Areas entitled Exhibit A: Sanitary Sewer, Potable Water and Fire Hydrant Easement Area (“Easement Area A”) and Exhibit B: Potable Water and Water Facilities Area (“Easement Area B”); and

WHEREAS, the current owners of the Property and the Township have also agreed to permit a *de minimis* encroachment within Easement Area A for a loading dock proposed to be constructed at the rear of the building located on the Property, as shown and described more fully on certain exhibits to be recorded, entitled Exhibit C and Exhibit D; and

WHEREAS, the Township wishes to authorize and provide for the correction and modification of the Easement by way of an Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Moorestown, in the County of Burlington, State of New Jersey, as follows:

1. The Township of Moorestown hereby agrees upon and authorizes the correction and modification of the Easement as described above. The precise location of the *de minimis* encroachment hereby permitted within Easement Area A shall be depicted on a plan and legal description to be recorded with the County Clerk.

2. The Mayor is authorized to execute any and all documents, agreements, and papers that are required in order to memorialize the above-referenced correction and modification of the Easement.

3. All other ordinances and parts of ordinances and resolutions, insofar as they are inconsistent with any of the terms and provisions of this ordinance, are hereby repealed to the extent of such inconsistency only.

4. If any section, paragraph, sentence, clause, phrase, term, provision or part of this ordinance shall be adjudged by any court of competent jurisdiction to be invalid or inoperative, such judgment shall not affect, impair or invalidate the remainder thereof phrase, term, provision or part thereof directly involved in the controversy in which such judgment shall have been rendered.

5. This Ordinance may be cited as Ordinance 11-2014.

CERTIFICATION

I hereby certify that Ordinance No. 11-2014 was introduced and adopted on first reading by the Township Council at a meeting held on August 18, 2014. This ordinance was duly adopted by the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey at a meeting of the Township Council held on September 8, 2014.

<u>VOTE:</u>	
JORDAN	ABSENT
CHIACCHIO	YES
GARWOOD	ABSENT
NEWCOMER	YES
NAPOLITANO	YES

PATRICIA L. HUNT, RMC
Township Clerk

NOTICE AND CERTIFICATION

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey, held on August 18, 2014. This ordinance will be further considered for final passage by the Township Council at a meeting to be held at the Town Hall, Council Chamber, 111 West Second Street, Moorestown, New Jersey on September 8, 2014 at 7:30 pm or at any time and place to which such meeting may be adjourned. All persons interested will be given the opportunity to be heard concerning such ordinance. During the week prior to and including the date of such further consideration, copies will be made available at the Municipal Clerk's Office in said Municipal Building to any member of the general public who shall request such copies.

Patricia L. Hunt, RMC
Township Clerk

TOWNSHIP MOORESTOWN

NOTICE AND CERTIFICATION OF PENDING ORDINANCE(S) AND SUMMARY

The ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the governing body of the Township of Moorestown, in the County of Burlington, State of New Jersey, on August 18, 2014. It will be further considered for final passage, after public hearing thereon, at a meeting of the governing body to be held at the Town Hall, Council Chamber, 111 West Second Street, Moorestown, New Jersey on September 8, 2014 at 7:30 p.m. During the week prior to and up to and including the date of such meeting, copies of the full ordinance will be available at no cost and during regular business hours at the Clerk's office for the members of the general public who shall request the same. It may also be viewed on the Township's website at <http://www.moorestown.nj.us/content/207/243/271/default.aspx>. The summary of the terms of such ordinance follows:

Title: **ORDINANCE 11-2014 - AN ORDINANCE OF THE TOWNSHIP OF MOORESTOWN TO CORRECT AND MODIFY AN EASEMENT OVER BLOCK 3000, LOT 4, FOR FIRE HYDRANTS, POTABLE WATER AND SANITARY SEWER (EAST GATE SQUARE)**

Purpose(s): The current owner of the Property known as Block 3000, Lot 4 and the Township desire to correct the Easement to attach legal descriptions of the Easement Areas entitled Exhibit A: Sanitary Sewer, Potable Water and Fire Hydrant Easement Area ("Easement Area A") and Exhibit B: Potable Water and Water Facilities Area ("Easement Area B"); and

This Notice is published pursuant to N.J.S.A. 40A:2-17.

Patricia L. Hunt, RMC
Moorestown Township Clerk

TOWNSHIP OF MOORESTOWN

NOTICE OF FINAL PASSAGE

Title: **ORDINANCE 11-2014** - AN ORDINANCE OF THE TOWNSHIP OF MOORESTOWN TO CORRECT AND MODIFY AN EASEMENT OVER BLOCK 3000, LOT 4, FOR FIRE HYDRANTS, POTABLE WATER AND SANITARY SEWER (EAST GATE SQUARE)

Notice is hereby given that the foregoing ordinance, introduced and adopted on first reading a meeting held on August 18, 2014, was approved on second reading and finally adopted by the Township Council of the Township of Moorestown at a regular meeting held on September 8, 2014.

Patricia L. Hunt, RMC
Moorestown Township Clerk

