

TOWNSHIP OF MOORESTOWN

ORDINANCE NO. 16-2007

**AN ORDINANCE OF THE TOWNSHIP OF MOORESTOWN
AUTHORIZING THE ACCEPTANCE OF AN EASEMENT FROM
LMC PROPERTIES, INC. FOR A BIKE AND PEDESTRIAN PATH
THROUGH BLOCK 7401, LOTS 1 AND 8**

WHEREAS, the Township of Moorestown Planning Board imposed as a condition of preliminary and final subdivision approval for the Upper Elementary School property, Block 7400, Lot 2, that a bicycle and pedestrian path be constructed along Bortons Landing Road to Hartford Road; and

WHEREAS, the Township of Moorestown Board of Education has agreed to construct a bike path; and

WHEREAS, the location of the bike path requires access to property owned by LMC Properties, Inc., known as Block 7401, Lots 1 and 8; and

WHEREAS, LMC Properties, Inc. has agreed to grant an easement to the Township of Moorestown, without cost, subject to the terms of the “Bike and Pedestrian Path Easement Agreement”; and

WHEREAS, it is in the best interest of the citizens to accept the easement.

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

Section 1. **Acceptance Authorized.** The Township hereby authorizes the Mayor and Township Clerk to execute on behalf of the municipality the “Bike and Pedestrian Path Easement Agreement” in the form attached hereto as Exhibit A.

Section 2. **Easement Area.** The easement area is described as follows:

Beginning at a point at the intersection of the southeasterly right of way line of Bortons Landing Road (49.50' wide) and the southwesterly right of way line of Hartford Road, County Route 686 (49.50' wide); thence

1. Along the southeasterly right of way line of Bortons Landing Road, S 34°-05'-33" W a distance of 2100.00 feet to a point; thence
2. Through Block 7401, Lot 8, S 55°-54'-27" E a distance of 18.25 feet to a point; thence

3. Partly through Block 7401, Lot 8 and through Block 7401, Lot 1, N 34°-05'-33" E a distance of 2094.95 feet to a point in the southwesterly right of way line of said Hartford Road; thence
4. Along said right of way line of Hartford Road, N 40°-27'-15" W a distance of 18.94 feet to the point and place of beginning.

Containing 38,279 square feet more or less.

Section 3. **Severability.** If any section, paragraph, sentence, clause, phrase, term, provision or part of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid or unenforceable for any reason, such judgment shall not affect, impair or invalidate the remainder hereof, but shall be confined in its operation to the section, paragraph, sentence, clause, phrase, term, provision or part hereof directly involved in the controversy in which such judgment shall have been rendered.

Section 4. **Repealer.** Any and all other ordinances inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 5. **Effective Date.** This ordinance shall take effect upon proper publication and in accordance with law.

Section 6. **Short Title.** This Ordinance shall be known as Ordinance No. 16-2007.

CERTIFICATION

I, Patricia L. Hunt, hereby certify that Ordinance No. 16-2007 was introduced and adopted on first reading by the Township Council at a meeting held on April 16, 2007. 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 April 30, 2007.

| <u>VOTE:</u> | |
|--------------|-----|
| ABERANT | YES |
| ROCCATO | YES |
| BRODER | YES |
| SEGAL | YES |
| ERON | YES |

Patricia L. Hunt, Township Clerk