

12-16

AN ORDINANCE AUTHORIZING A PERMANENT EASEMENT OVER A PORTION OF THE PROPERTY KNOWN AS 1651 OHIO AVENUE, NORTH BRUNSWICK, NEW JERSEY, ALSO KNOWN AS BLOCK 18.02, LOT 26 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF NORTH BRUNSWICK, MIDDLESEX COUNTY, STATE OF NEW JERSEY

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Township of North Brunswick is authorized to adopt an Ordinance for the preservation of public health, safety and welfare; and

WHEREAS, pursuant to N.J.S.A. 40A:12-5, the Township of North Brunswick has the power to acquire any real property or property interests for a public purpose through negotiated agreement; and

WHEREAS, the Township of North Brunswick has determined that it would serve a public purpose for it to acquire a permanent easement comprising approximately 477 square feet (477 s.f.), over, upon, through, under and across a portion of the property known as 1651 Ohio Avenue, North Brunswick, New Jersey, also known as Block 18.02, Lot 26 on the Official Tax Map of the Township of North Brunswick, Middlesex County, State of New Jersey, (the "Easement") to repair and/or remove and install a drainage pipe and to remove an existing tree, as further described on a legal description entitled "Description of Proposed Permanent Easement through Lot 26, Block 18.02, Township of North Brunswick, Middlesex County, New Jersey", prepared by CME Associates and dated June 15, 2012, attached hereto and made a part hereof, and a map entitled, "Sketch of Proposed easement to be Acquired by North Brunswick Township through Block 18.02, Lot 26" situated in North Brunswick Township, Middlesex County, New Jersey, prepared by CME Associates, dated June 14, 2012, with no revisions, attached hereto and made a part hereof, in order to preserve the health, safety and welfare of the citizens of the Township of North Brunswick; and

WHEREAS, the owners of the property comprising the Easement have agreed to grant and convey said Easement to the Township of North Brunswick for minimal compensation therefor.

NOW, THEREFORE BE IT ORDAINED, by the Township Council of the Township of North Brunswick, County of Middlesex and State of New Jersey that the acquisition of a permanent easement over, upon, through, under and across a portion of the property known as 1651 Ohio Avenue, North Brunswick, New Jersey, also known as Block 18.02, Lot 26 on the Official Tax Map of the Township of North Brunswick, Middlesex County, State of New Jersey, to repair and/or remove and install a drainage pipe and to remove an existing tree, for minimal compensation, be and is hereby authorized and approved; and

BE IT FURTHER ORDAINED, that the Mayor and Clerk are hereby authorized to execute and witness, respectively, the Deed of Easement granting such permanent easement, a copy of which is attached hereto, or any other documents necessary to effectuate the acquisition of such permanent easement; and

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and