

**ORDINANCE NO. 2023:12**

**ORDINANCE OF THE BOROUGH OF BERLIN, COUNTY OF CAMDEN  
AND STATE OF NEW JERSEY AUTHORIZING THE GRANTING OF A PERPETUAL SEWER  
UTILITY EASEMENT AND THE EXECUTION OF ALL DOCUMENTS NECESSARY TO  
IMPLEMENT SAID EASEMENT WITH RETTINGER FIREPLACE SYSTEMS**

**WHEREAS**, the Borough of Berlin (“Borough”) is a municipal entity organized under the laws of the State of New Jersey and located in Camden County; and

**WHEREAS**, N.J.S.A. 40A:12-1 et seq. (“Local Lands and Buildings Law”) authorizes a municipality to grant easements; and

**WHEREAS**, N.J.S.A. 40A:12-13 (b)(4) requires that the granting of easements by municipalities be accomplished by ordinance; and

**WHEREAS**, the Mayor and Borough Council of the Borough of Berlin has determined that it is in the public’s safety, interest and welfare that the Borough grant a sewer utility easement unto Rettinger Fireplace Systems for the sole use as a sewer utility easement as more fully described in the Legal Description attached hereto and made a part hereof as Exhibit “A” for nominal consideration; and

**WHEREAS**, the Borough of Berlin is the owner of the real property located at Block 2201.01, Lot 27 in favor of Block 2201, Lot 2.01 on the Official Tax Map of the Borough of Berlin; and

**WHEREAS**, the Borough of Berlin and Rettinger Fireplace Systems have agreed to the terms and conditions of this easement as so stated in the document attached hereto as Exhibit "A", entitled “Easement Agreement”; and

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Borough Council of the Borough of Berlin, County of Camden, State of New Jersey, as follows:

**SECTION 1:** The Easement Agreement, attached hereto as Exhibit "A," by and between the Borough of Berlin and the County of Camden is hereby authorized and approved.

**SECTION 2:** The Mayor, Solicitor and/or Borough Clerk of the Borough of Berlin is hereby authorized to execute the Easement Agreement and all other documents necessary to implement said Easement Agreement on behalf of the Borough of Berlin.

**SECTION 3:** All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 4:** If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

**SECTION 5:** This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

**BOROUGH OF BERLIN**



By: Rick Miller, Mayor

**ATTEST:**



Rachel Von der Tann, Deputy Clerk

**I, Rachel Von der Tann, Deputy Clerk of the Borough of Berlin, hereby certify the foregoing to be a true and correct copy of an Ordinance adopted by the Mayor and Borough Council at their meeting of December 14, 2023 in the Municipal Building, 59 South White Horse Pike, Berlin, New Jersey.**



Rachel Von der Tann, Deputy Clerk