

EXECUTION VERSION

ORDINANCE OF THE TOWNSHIP OF BELLEVILLE  
ESSEX COUNTY, NEW JERSEY

ORDINANCE NO. 19-23

DATE OF INTRODUCTION: 6/13/23 DATE OF ADOPTION: 7/11/23  
Legal Advertisement: 6/23/23 Legal Advertisement: 7/20/23

**TITLED:**

**AN ORDINANCE AUTHORIZING THE TOWNSHIP OF BELLEVILLE TO ACCEPT AN EASEMENT FOR LOCATION OF, AND ACCESS TO, A GATEWAY SIGN CONCERNING THE REAL PROPERTY LOCATED AT 81 STEPHENS STREET (A PORTION OF FORMER BLOCK 9403, LOT 1 TO BE KNOWN AS BLOCK 9403, LOT 1.01)**

**WHEREAS**, N.J.S.A. 40A:12-4 authorizes a municipality to acquire easements; and

**WHEREAS**, N.J.S.A. 40A:12-5 requires that the acquisition of easements by municipalities be accomplished by ordinance; and

**WHEREAS**, O & R Urban Renewal Company, LLC (the "Owner") is the owner of certain real property located in the Township of Belleville, County of Essex, State of New Jersey, designated as Block 9403, Lot 1 on the Tax Map of the Township of Belleville; and

**WHEREAS**, pursuant to Resolution No. PB-2209 adopted on April 13, 2023 (the "Resolution"), the Township of Belleville Planning Board granted minor subdivision and preliminary and final major site plan approvals to QuickChek Corporation to subdivide Block 9403, Lot 1 to form new Block 9403, Lots 1.01 and 1.02 and construct a QuickChek convenience store with fuel sales and outdoor seating on Block 9403, Lot 1.01 (the "Owner's Property"); and

**WHEREAS**, the Resolution includes a condition that the Owner grant to the Township of Belleville an easement for purposes of the Township's access to, and the continuance of, a gateway sign at its current location on the Owner's Property (the "Easement"); and

**WHEREAS**, the Owner is willing to provide to the Township with such easement in accordance with the terms and conditions hereof; and

**WHEREAS**, the Township Council has determined that approving the acceptance of the Easement, unexecuted copy of which is attached hereto and made a part hereof by reference is in the best interest of the Township and the residents thereof.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED**, by the Township Council of the Township of Belleville that the Township is hereby authorized to accept the

conveyance of the Easement represented by the document referenced herein. After all requirements respecting the enactment of this Ordinance have been fulfilled, the Easement shall be recorded in the Office of the Essex County Clerk.

**BE IT FURTHER ORDAINED AND ENACTED**, the Mayor and Clerk and all other appropriate officers and employees of the Township of Belleville are hereby authorized and directed to execute any and all documents and to take all actions necessary to effectuate the purposes of this Ordinance.

**BE IT FURTHER ORDAINED AND ENACTED**, any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

**BE IT FURTHER ORDAINED AND ENACTED**, 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.

**BE IT FURTHER ORDAINED AND ENACTED**, this Ordinance is contingent upon receipt of all governmental and regulatory approvals as required by law.

**BE IT FURTHER ORDAINED AND ENACTED**, this Ordinance shall take effect upon approval and publication as provided by law.

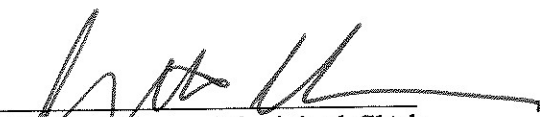
On a motion by Council Member: NOTARI

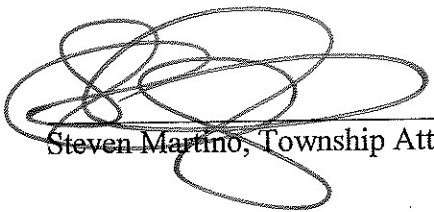
Seconded by Council Member: De PEÑA

**INTRODUCTION**

| Adopted by the Municipal Council of the Township of Belleville, N.J. |     |    |                   |     |                |             |    |      |     |
|--|-----|----|-------------------|-----|----------------|-------------|----|------|-----|
| COUNCIL RECORD OF VOTE   |     |    |                   |     |                |             |    |      |     |
| Council Member   | YES | NO | N.V.              | AB. | Council Member | YES         | NO | N.V. | AB. |
| COZZARELLI   | X   |    |                   |     | ROVELL         | X           |    |      |     |
| DE PEÑA  | X   |    |                   |     | STRUMOLO BURKE | X           |    |      |     |
| GRAZIANO   | X   |    |                   |     | MAYOR MELHAM   | X           |    |      |     |
| NOTARI   | X   |    |                   |     |                |             |    |      |     |
| X - Indicates Vote   |     |    | N.V. - Not Voting |     |                | AB - Absent |    |      |     |

I, Alberto Cabrera, Registered Municipal Clerk of the Township of Belleville do hereby certify that the foregoing is a true copy of an Ordinance introduced by the Belleville Township Council at a meeting held on the 13<sup>TH</sup> day of JUNE, 2023.

  
Alberto Cabrera, Municipal Clerk

  
Steven Martino, Township Attorney

Mayor and Municipal Council  
Department

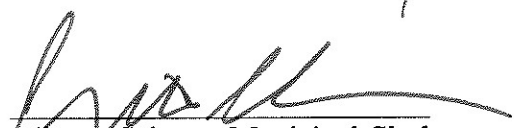
On a motion by Council Member: ROVELL


Seconded by Council Member: NOTARI

**ADOPTION**

| Adopted by the Municipal Council of the Township of Belleville, N.J. |     |    |                   |     |                |             |    |      |     |
|--|-----|----|-------------------|-----|----------------|-------------|----|------|-----|
| COUNCIL RECORD OF VOTE   |     |    |                   |     |                |             |    |      |     |
| Council Member   | YES | NO | N.V.              | AB. | Council Member | YES         | NO | N.V. | AB. |
| COZZARELLI   | X   |    |                   |     | ROVELL         | X           |    |      |     |
| DE PEÑA  |     |    |                   | X   | STRUMOLO BURKE | X           |    |      |     |
| GRAZIANO   | X   |    |                   |     | MAYOR MELHAM   | X           |    |      |     |
| NOTARI   | X   |    |                   |     |                |             |    |      |     |
| X - Indicates Vote   |     |    | N.V. - Not Voting |     |                | AB - Absent |    |      |     |

I, Alberto Cabrera, Registered Municipal Clerk of the Township of Belleville do hereby certify that the foregoing is a true copy of an Ordinance introduced by the Belleville Township Council at a meeting held on the 11<sup>th</sup> day of July, 2023.

  
Alberto Cabrera, Municipal Clerk

  
Steven Martino, Township Attorney

Mayor and Municipal Council  
Department