

ORDINANCE NO. 19-2024 OF THE CITY OF BURLINGTON AUTHORIZING THE GRANT OF AN ACCESS EASEMENT REGARDING MUNICIPAL PROPERTY DESIGNATED AS BLOCK 116, LOTS 1.01 AND 1.02, AND FURTHER AUTHORIZING THE EXECUTION OF SAID ACCESS EASEMENT AND ANY AND ALL DOCUMENTS NECESSARY AND/OR INCIDENTAL THERETO

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

WHEREAS, N.J.S.A. 40A:12-13 within the Local Lands and Buildings Law requires that the grant of easements by municipalities be accomplished by ordinance; and

WHEREAS, the City of Burlington is a municipal entity organized under the laws of the State of New Jersey and located in Burlington County and is subject to the requirements of the Local Lands and Building Law as aforementioned (“City”); and

WHEREAS, The City is the owner of certain real property which now and/or hereafter will be designated as 231 York Street, Burlington City, New Jersey, Block 116, Lot 1.01 and 210 Penn Street, Burlington City, New Jersey, Block 116, Lot 1.02 as shown on the official tax map of the City of Burlington, County of Burlington, State of New Jersey (“City Owned Lots”); and

WHEREAS, James Watt, Watt Architects (“Grantee”) is the owner of certain real property which is now and/or hereafter will be designated as 241 York Street, Block 116, Lot 1 on the City of Burlington Tax Map (“Grantee’s Property”); and

WHEREAS, Grantee is requesting an access easement for ingress and egress at Grantee’s Property over the City Owned Lots which is a one-way drive that enters from York Street and exits onto Penn Street; and

WHEREAS, Grantee is not requesting Access Easement for any parking required and is not asking to use any of the parking spaces on the City Owned Lots; and

WHEREAS, the requested easement through the City Owned Lots allows Grantee to keep the park-like green area along East Union Street.

WHEREAS, the City Common Council of the City of Burlington has determined that it is in the public interest and welfare that the City grant an access easement over and across Lots 1.01 and 1.02 to Grantee; and

WHEREAS, the City and Grantee have agreed to the terms and conditions of such easement as same are stated in the easement document attached here to as Exhibit “A”; and

WHEREAS, it is the intention of the City Common Council of the City of Burlington to authorize the proper municipal officials to execute the attached access easements on behalf of the City of Burlington.

NOW, THEREFORE BE IT ORDAINED by the Common Council for the City of Burlington, in the County of Burlington, State of New Jersey, as follows:

SECTION 1: The Access Easement attached hereto as Exhibit “A,” by and between the City of Burlington and James Watt, Watt Architects, be and hereby is authorized and approved in the form set forth therein.

SECTION 2: Barry W. Conaway, Mayor of the City of Burlington, be and hereby is authorized to execute on behalf of the City of Burlington the said Access Easement document attached hereto as Exhibit A, together with any and all other documents necessary to implement and/or effectuate the intent and purpose of this Ordinance and to fully effectuate the terms and conditions of said Access Easement, and that the City shall be bound thereby.

SECTION 3: The City Clerk be and hereby is authorized to cause the original Access Easement document to be duly recorded in the public records by delivering same to the Office of the Burlington County Clerk, or to James Watt, Watt Architects, as the case may be, for such purpose.

SECTION 4: Except as set forth above, the balance of the Code of the City of Burlington shall not be affected by this Ordinance.

SECTION 5: All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent they are inconsistent herewith.

SECTION 6: 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 or subdivision, or clause of this Ordinance.

SECTION 7: This Ordinance shall take effect thirty (30) days after final passage by Council or twenty (20) days after approval by the Mayor, whichever comes first.

ORDINANCE NO. 19-2024

Passed Common Council,

George Chachis, President
Common Council

Approved,

Barry W. Conaway, Mayor

ATTEST:

Cindy A. Crivaro, RMC
Municipal Clerk

Introduction: 06/11/24
Publication: 06/14/24
2nd & Final: 07/02/24
Publication: 07/05/24
Effective: 07/25/24

EXHIBIT "A"
ACCESS EASEMENT



L:\24-0026 - Burlington City General Matters 2024\Penn Parking Lot Easement\ORD.docx