

**AN ORDINANCE OF THE TOWNSHIP OF MANCHESTER, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE ACQUISITION OF AN EASEMENT ON A PORTION OF BLOCK 44, LOT 15.05, FROM MANCHESTER APARTMENTS LLC, IN ACCORDANCE WITH N.J.S.A. 40A:12-1 ET SEQ.**

**WHEREAS**, Manchester Apartments LLC is the owner in fee simple of certain real property located in the Township of Manchester, County of Ocean, New Jersey, designated as Block 44, Lot 15.05 on the official Tax Map of the Township of Manchester; and

**WHEREAS**, the Township of Manchester has requested a Utility Easement for access to and the perpetual right to do within the easement area all that may be reasonably necessary for the protection, maintenance, operation, and use of its utility improvements located at Block 44, Lot 15.05, which easement totals 1.706 acres, as more fully described in Schedule A attached hereto and made a part hereof; and

**WHEREAS**, Manchester Apartments LLC has agreed to grant this Utility Easement to the Township of Manchester on Block 44, Lot 15.05; and

**WHEREAS**, N.J.S.A. 40A:12-5 authorizes a municipality to accept property by the adoption of an ordinance authorizing same.

**NOW, THEREFORE, BE IT ORDAINED** by the governing body of the Township of Manchester, County of Ocean, State of New Jersey as follows:

**SECTION 1.** That the governing body does hereby authorize the acceptance of a Utility Easement located on Block 44, Lot 15.05, as more fully described in Schedule A attached hereto and made a part hereof. This property is being donated to the Township of Manchester pursuant to N.J.S.A. 40A:12-5 from Manchester Apartments LLC.

**SECTION 2.** That the Mayor and Municipal Clerk are hereby authorized to execute any and all documents necessary for the acquisition via donation of the subject property.

**SECTION 3.** All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

**SECTION 4.** If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

**SECTION 5.** This ordinance shall take effect after second reading and publication as required by law.

**NOTICE**

PUBLIC NOTICE is hereby given that the foregoing ordinance was introduced at a meeting of the Township Council of the Township of Manchester, in the County of Ocean and State of New Jersey on the 23<sup>rd</sup> day of October 2023, and was then read for the first time. The said ordinance will be further considered for final passage by the Township Council in the Town Hall at 6:00 p.m. on November 13, 2023. At such time and place or any time or place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance.

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Roxy Conniff  
Council President

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Teri Giercyk, RMC/CMC  
Municipal Clerk