

# SECOND READING *2024-57*

A.

## **AN ORDINANCE DEDICATING A PERMANENT SHARED EASEMENT OVER A PORTION OF 269-285 E. SMITH STREET NOT NEEDED FOR THE EXCLUSIVE USE OF THE TOWNSHIP**

**WHEREAS**, the Township of Woodbridge is the owner of real property located at 269-285 E. Smith Street, Block 533.01, Lot 6.02 (hereinafter the "Township Property"), on which is driveway that serves the Property; and

**WHEREAS**, the Township acquired the Township Property from the St. Anthony of Padua Parish on December 14, 2022; and

**WHEREAS**, the William and Ellen Rabb are the owners of real property located at 284 Amboy Avenue, Block 533.01, Lot 4.05 (hereinafter the "Rabb Property"); and

**WHEREAS**, the owners of the Rabb Property used the driveway of the 269-285 E. Smith Street Property for the purposes of ingress and egress into the Rabb Property for many years, and could possibly claim a prescriptive easement over the Township Property, as access to the Rabb Property would be extremely limited without the use of the driveway of 269-285 E. Smith Street; and

**WHEREAS**, subsequent to the Township's purchase of the Township Property, the owners of the Rabb Property requested the continued shared use of the driveway of the Township Property to avoid having the Rabb Property become essentially land-locked; and

**WHEREAS**, the shared use of the driveway of the Township Property would not diminish the Township's use of the Township Property in any way, and would reflect a continuation of the longstanding agreement that provided ingress and egress into the Rabb Property; and

**WHEREAS**, the driveway of the Township Property is smaller than the size required for development in the zone; and

**WHEREAS**, N.J.S.A. 40A:12-1 et seq. permits the conveyance of an interest in land not needed for public purposes; and

**WHEREAS**, the interest to be conveyed would not eliminate the public rights to use the driveway of the Township Property, as the use would instead be shared by the parties; and

**WHEREAS**, the parties wish to memorialize their respective rights and interests with respect to the use of the driveway of the Township Property;

### **SECTION I.**

**BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF WOODBRIDGE** that the Municipal Council hereby authorizes the dedication of a permanent driveway easement, more particularly described in the Deed of Driveway Easement on file in the

Office of the Municipal Clerk, over a portion of the Township Property, to the owner of the Rabb Property, for the sum of \$1.00; and

**BE IT FURTHER ORDAINED** that the Mayor or his designee, the Director of Law or his designee and the Municipal Clerk are hereby authorized to execute any and all documents necessary to dedicate the driveway easement described in Exhibit "A" to the adjacent property owner.

**SECTION II.** The various parts, sections, and clauses of this Ordinance are hereby declared to be severable. If any part, sentence, paragraph, section or clause is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the Ordinance shall not be affected thereby.

**SECTION III.** Any ordinances and parts thereof in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

**SECTION IV.** This Ordinance shall take effect upon final adoption and publication as may be required by law.

**ADOPTED:** *AUG 20 2024*

I hereby certify that the above is a true and exact copy of the Ordinance adopted by the Municipal Council of the Township of Woodbridge at their Council Meeting held on *AUG 20 2024*

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JOHN M. MITCH, RMC, CMC, CMR  
MUNICIPAL CLERK