

**THE TOWNSHIP OF EWING
COUNTY OF MERCER, NEW JERSEY**

ORDINANCE NO. 15-21

1st Reading 6-23-15 Date to Mayor 7-15-15

2nd Reading & Public Hearing 7-14-15 Date Returned _____

Date Adopted: Date Resubmitted to Council _____

7-14-15 Approved as to Form of Legality _____

Effective Date: _____ Township Attorney _____

8-3-15

AN ORDINANCE AUTHORIZING THE TOWNSHIP OF EWING TO CONVEY A PERPETUAL, EXCLUSIVE EASEMENT ON TOWNSHIP-OWNED PROPERTY LOCATED IN THE BRAE BURN DRIVE RIGHT-OF-WAY TO THE ADJACENT PROPERTY OWNER LOCATED AT 1570 PENNINGTON ROAD, DESCRIBED AS BLOCK 139, LOT 66

First Reading

MEMBER	AYE	NAY	ABS	NV	RES	SEC
Baxter	X				X	
Schroth	X					X
Steward	X					
Wollert	X					
Keyes-Maloney	X					

Second Reading

MEMBER	AYE	NAY	ABS	NV	RES	SEC
Baxter	X					X
Schroth	X					
Steward	X					
Wollert	X				X	
Keyes-Maloney				X		

By _____ Date _____ Accepted _____ Rejected _____
Mayor

Reconsidered
By Council _____ Override Vote YEA _____ NAY _____

President of the Council

Municipal Clerk

TOWNSHIP OF EWING
ORDINANCE NO. 15-21

AN ORDINANCE AUTHORIZING THE TOWNSHIP OF EWING TO CONVEY A PERPETUAL, EXCLUSIVE EASEMENT ON TOWNSHIP-OWNED PROPERTY LOCATED IN THE BRAE BURN DRIVE RIGHT-OF-WAY TO THE ADJACENT PROPERTY OWNER LOCATED AT 1570 PENNINGTON ROAD, DESCRIBED AS BLOCK 139, LOT 66

WHEREAS, the Township of Ewing is the owner of real property designated as Brae Burn Drive on the current Township of Ewing Tax and Assessment Map (the “Brae Burn Drive ROW”); and

WHEREAS, Linda J. Olenick and Patricia A. Miller are the current owners and David and Ashley Helstowski are the contract purchasers (collectively the “Grantees”) of real property located in the Township of Ewing, Mercer County, New Jersey, at 1570 Pennington Road, designated as Block 139, Lot 66 on the current Township of Ewing Tax and Assessment Map (the “Property”); and

WHEREAS, the Property is located adjacent to the Brae Burn Drive ROW; and

WHEREAS, in reviewing the title and survey for the Property, Grantees discovered that a portion of the house, fence, stairs, walkway, garage and deck (“House and Improvements”) encroach upon a portion (“Easement Area”) of the Brae Burn Road ROW, as more particularly described below; and

WHEREAS, the House and Improvements do not encroach upon any paved road bed or curb portions of the Brae Burn ROW; and

WHEREAS, Grantees seek an easement from Grantor for Grantees’ exclusive use of the Easement Area in conjunction with Grantees’ use of the Property; and

WHEREAS, under the circumstances, the Township wishes grant a perpetual, exclusive easement on Township-owned property located in the Brae Burn Drive ROW, more particularly described as follows:

BEGINNING at a point in the Northerly line of Brae Burn Drive, said point bearing North 72 degrees 40 minutes East, a distance of 48.95 feet from the intersection of the Easterly line of Pennington Road, with the Northerly line of Brae Burn Drive, and running; thence

- (1) South 87 degrees 40 minutes 27 seconds East, a distance of 20.17 feet to a point; thence
- (2) South 02 degrees 13 minutes 42 seconds East, a distance of 5.03 feet to a point; thence
- (3) North 71 degrees 00 minutes 50 seconds East, a distance of 51.79 feet to a point; thence
- (4) North 20 degrees 26 minutes 58 seconds East, a distance of 11.90 feet to a point; thence
- (5) North 72 degrees 09 minutes 36 seconds East, a distance of 17.26 feet to a point; thence

(6) North 17 degrees 59 minutes 43 seconds West, a distance of 0.59 feet to a point in the Northerly line of Brae Burn Drive; thence

(7) Along the Northerly line of Brae Burn Drive, South 72 degrees 40 minutes West, a distance of 94.00 feet to the point and place of BEGINNING.

WHEREAS, pursuant to N.J.S.A. 40A:12-13(b)(4), the Township is permitted to sell an easement upon any real property; and,

NOW THEREFORE, BE IT ORDAINED, by the Council of the Township of Ewing, in the County of Mercer, that:

1. The Township is authorized to convey a perpetual, exclusive easement on Township-owned property located in the Brae Burn Drive Right of Way to Linda J. Olenick and Patricia A. Miller and David and Ashley Helstowski for the sum of \$1.00.
3. The Mayor and the Municipal Clerk are authorized to execute any documents required to effectuate such transfer.

Section 1. This Ordinance shall take effect after final passage and publication according to law.

STATEMENT

This Ordinance authorizes the Township to convey a perpetual, exclusive easement on Township-owned property located in the Brae Burn Drive Right of Way to the adjacent property owner for the sum of \$1.00