

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

ORDINANCE NO. 16-03

1st Reading 1-26-16

Date to Mayor 2-10-16

2nd Reading &
Public Hearing 2-9-16

Date Returned _____

Date Adopted:
2-9-16

Date Resubmitted to Council _____

Approved as to Form of Legality

Effective Date:
2-29-16

Township Attorney

AN ORDINANCE AUTHORIZING THE EXECUTION OF A RIGHT OF WAY AND DRAINAGE EASEMENT AGREEMENT, AMENDING AN EXISTING DRAINAGE EASEMENT AND ACCEPTING A DRAINAGE AND RIGHT-OF-WAY EASEMENT

First Reading

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

Second Reading

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

By _____ Date _____ Accepted _____ Rejected _____
Mayor

Reconsidered
By Council _____ Override Vote YEA _____ NAY _____

President of the Council

Municipal Clerk

TOWNSHIP OF EWING
ORDINANCE NO. 16-03

AN ORDINANCE AUTHORIZING THE EXECUTION OF A RIGHT OF WAY AND DRAINAGE EASEMENT AGREEMENT, AMENDING AN EXISTING DRAINAGE EASEMENT AND ACCEPTING A DRAINAGE AND RIGHT-OF-WAY EASEMENT

WHEREAS, The Way of the Cross Holy Temple (the “Church”) is the owner the real property located in the Township of Ewing, Mercer County, New Jersey (the “Township”), designated as Lot 33 in Block 13 on the current Township Tax and Assessment Map (the “Church Property”); and

WHEREAS, a portion of the Church Property at the end of Heath Avenue is subject to an existing 20 foot wide drainage easement, running to the benefit of the Township, recorded in the office of the Mercer County Clerk on September 4, 1986 in Deed Book 2353, Page 603 et. seq. (the “Existing Easement”); and

WHEREAS, the Church has requested that the Township amend the Existing Easement to allow for the construction by the Church of a revised storm water collection system on a portion of the Existing Easement as required of the Church by the Delaware and Raritan Canal Commission; and

WHEREAS, the Township has identified an area on the Church Property at the end of Heath Avenue over which it requires a Right of Way and Drainage Easement; and

WHEREAS, the Church desires to dedicate an easement over its property as required by the Township; and

WHEREAS, it appears to be in the best interests of the Township of Ewing to amend the Existing Easement and accept the Right of Way and Drainage Easement.

BE IT ORDAINED that

1. The Township is authorized to amend the Existing Easement and accept the Right of Way and Drainage Easement, as herein described.
2. The Mayor and the Municipal Clerk are authorized to execute a Right of Way and Drainage Easement Agreement with the Church, as well as any other documents required to effectuate such amendment and acceptance.

This Ordinance is effective within 20 days of passage.

Statement:

This ordinance provides authority for the execution of a Right of Way and Drainage Easement Agreement with The Way of the Cross Holy Temple, the owner of Lot 33, in Block 13 in the Township of Ewing, allowing for the modification of the Township’s existing drainage easement on a portion of the owner’s property and for the establishment of an additional easement in favor of the Township at the end of Heath Avenue on an additional portion of the owner’s property.