

TOWNSHIP OF LOWER, COUNTY OF CAPE MAY, STATE OF NEW JERSEY

ORDINANCE #2019-12

Title: AN ORDINANCE AUTHORIZING THE TOWNSHIP OF LOWER TO GRANT A UTILITY EASEMENT TO THE LOWER TOWNSHIP MUNICIPAL UTILITIES AUTHORITY FOR THE PURPOSES OF CONSTRUCTING A VACUUM SEWER STATION IN FURTHERANCE OF THE CURRENT SEWER EXPANSION PROJECT OVER A PORTION OF CRESSE LANE.

WHEREAS, The Township of Lower is the owner of certain land identified as Cresse Lane on the official tax map of the Township of Lower, County of Cape May, State of New Jersey ("Property"); and

WHEREAS, the Lower Township Municipal Utilities Authority has requested that the Township convey unto it a Utility Easement, as is more particularly described in the legal description which is attached hereto as "Exhibit A," in order to erect a Vacuum Sewer Station in furtherance of Grantee's current sewer expansion project;" and

WHEREAS, the Parties hereto desire to create, establish, and record a Utility Easement delineating the metes and bounds of an easement and formalizing the rights and obligations of the Township of Lower and the Lower Township Municipal Utility Authority; and

WHEREAS, in accordance with the provisions of N.J.S.A. 40:14B-1 et seq. and the several acts supplemental thereto and amendatory thereof, the Lower Township Municipal Utilities Authority is empowered to acquire for water, storm, sewer, and other utility services; and

WHEREAS, pursuant to the provisions of N.J.S.A. 40A:12-5 and N.J.S.A. 40A:12-13, the granting of an easement by a municipality must be enacted by way of an approved Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Lower, County of Cape May, State of New Jersey, as follows:

Section 1. The Township of Lower is hereby authorized to grant a utility easement to the Lower Township Municipal Utilities Authority over a portion of the property identified as Cresse Lane, as further identified in **Exhibit A** which is attached hereto;

Section 2. The Mayor and Township Clerk are hereby authorized to execute all documents necessary to convey and record this Utility Easement granted unto the Lower Township Municipal Utilities Authority, attached hereto as **Exhibit B**, and any other required conveyance documents;

Section 3. If any section or provision of this Ordinance shall be held invalid in any Court of competent jurisdiction, the same shall not affect the other sections or provisions of this Ordinance, except so far as the section or provision so declared invalid shall be inseparable from the remainder or any portion thereof;

Section 4. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 5. This Ordinance shall become effective 20 days after final passage and publication according to law.

First Reading Aug 5, 2019

Adopted: August 19, 2019

Attest: Julie A Picard, Township Clerk

Erik Simonsen, Mayor

Frank Sippel, Deputy Mayor

Thomas Conrad, Councilmember

David Perry, Councilmember

Roland Roy, Jr., Councilmember