

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

ORDINANCE #2025-18

Title: AN ORDINANCE AUTHORIZING THE EXECUTION OF A UTILITY EASEMENT AGREEMENT WITH ATLANTIC CITY ELECTRIC FOR REAL PROPERTY IDENTIFIED AS BLOCK 505, LOT 15 TO FACILITATE THE REBUILDING OF THE MIDDLE-RIO-CAPE 69kV TRANSMISSION LINE IN CAPE MAY COUNTY

WHEREAS, the Township of Lower is the owner of certain real property identified as 805 Seashore Road, a/k/a Block 505, Lot 15; and

WHEREAS, Atlantic City Electric has contacted the Township of Lower and has requested authorization to replace existing utility poles and wires located on or adjacent to 805 Seashore Road; and

WHEREAS, Atlantic City Electric has further requested that the Township of Lower grant a utility easement to facilitate the aforementioned utility work associated with the rebuilding of the Middle-Rio-Cape 69kV Transmission Line, which provides electrical service to Cape May County; and

WHEREAS, the Township of Lower recognizes the importance of facilitating utility upgrades to ensure uninterrupted electrical service to its residents; and

WHEREAS, pursuant to N.J.S.A. 40A:12-13 et seq the granting of a utility easement by a municipality must be authorized by ordinance; and

WHEREAS, the Township Council of the Township of Lower has determined that it would be in the best interests for the benefit and welfare of the municipality and the public to grant a utility easement to Atlantic City Electric.

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

Section 1. The recitals set forth above are incorporated herein as if set forth at length:

Section 2. The Mayor, and/or his designee, is hereby authorized to execute and record the attached utility easement agreement and associated documents as may be necessary to provide the easement described above.

Section 3. All other ordinances in conflict or inconsistent with this Ordinance are hereby repealed to the extent of such conflict or inconsistency.

Section 4. Should any section, paragraph, sentence, clause, or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remaining portions of this Ordinance shall not be affected thereby and shall remain in full force and effect, and to this end the provision of this Ordinance are hereby declared to be severable.

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

First Reading:

August 4, 2025

Second Reading:

Sept 3, 2025

Attest:

Julie A Picard
Julie A Picard, Township Clerk

Thomas Conrad
Thomas Conrad, Councilmember

Joseph Wareham
Joseph Wareham, Councilmember

Roland Roy, Jr.
Roland Roy, Jr., Councilmember

Kevin Coombs
Kevin Coombs, Deputy Mayor

Frank Sippel
Frank Sippel, Mayor

Atlantic City Electric
5100 Harding Highway
Mays Landing, NJ 08330

atlanticcityelectric.com



Date: July 10, 2025

Property owner: Township of Lower
Property address: 805 Seashore Road

Re: Offer Letter
Block 505, Lot 15
Lower Township, NJ

Dear Business Administrator:

As discussed, Atlantic City Electric Company ("ACE") is rebuilding its Middle-Rio-Cape 69kV Transmission Line in Cape May County. This project involves replacing poles and wires that run along or are adjacent to your property.

ACE will need additional rights in your property in order to complete this project. To that end, please accept this offer letter from ACE to purchase a Utility Easement on your property. A copy of the Utility Easement is attached to this letter along with an Exhibit illustrating the location of the easement on your property.

A summary of our compensation is shown in the following table:

Utility Easement Agreement:	
TOTAL COMPENSATION:	\$2,000.00

Thanking you in advance for your cooperation in this matter. If you have any questions or concerns, please do not hesitate to contact me at (732) 773-7073 or email me at Suzanne.Brow@exeloncorp.com.

Kindest regards,

Suzanne Brow

Suzanne Brow

Received and approved this _____, day of _____, 2025

Name: _____

Title: _____

Block: 505 Lot: 15
Township of: Lower

Prepared By: Suzanne Brow
On behalf of: Atlantic City Electric Company
& Return to: Right of Way Department
5100 Harding Highway
Mays Landing, NJ 08330

UTILITY EASEMENT AGREEMENT

THIS EASEMENT AGREEMENT, made this _____ day of _____, 20_____, between TOWNSHIP OF LOWER, 2600 Bayshore Road, Villas, New Jersey 08251, with a property at 805 Seashore Road, Lower Township, NJ 08204, "Grantor" and ATLANTIC CITY ELECTRIC COMPANY, a New Jersey Corporation, with an office located at 5100 Harding Highway, Mays Landing, New Jersey 08330, hereinafter referred to as "Grantee,"

WITNESSETH:

WHEREAS, Grantor is the owner of land known as Block 505 Lot 15, located in Lower Township, County of Cape May, State of New Jersey, which land abuts, Seashore Road.

For and in consideration of the payment by Grantee of the sum of two thousand dollars (\$2,000.00) and other valuable consideration, the receipt of which is hereby acknowledged, Grantor grants to Grantee a perpetual easement and right of way and agrees as follows:

1. Grantee shall have the right to install, operate, maintain, add to, extend, relocate and remove its ELECTRIC and COMMUNICATIONS wires, cables and accessories and appurtenances thereto ("Facilities") to extend Grantee's systems and to provide services to Grantee's service areas; including any other cables, and wires on, over, and across that portion of the Grantor's land as indicated in the drawing attached hereto and made part hereof as "Exhibit A", said portion hereinafter referenced as the "Easement Area".
2. The Facilities installed pursuant to this agreement shall remain the property of Grantee and all maintenance, repairs, and removals of said facilities shall be the responsibility of Grantee.
3. Grantee shall have the right to trim, remove, and/or otherwise maintain all trees and underbrush located within the Easement Area.
4. Grantee shall have the rights of ingress, egress, and regress to and over Grantor's land as necessary for the enjoyment of the rights granted herein.
5. Grantor agrees not to place or construct any structures within said Easement Area.
6. Grantor shall have the right to use the land covered by this Agreement for any lawful purpose not inconsistent with or in contravention of the rights of Grantee.
7. Grantor covenants that it is seized of and has the right to convey the foregoing easement, rights, and privileges; agrees that Grantee shall have quiet and peaceable possession, use and enjoyment of the aforesaid easement, rights and privileges.

Please complete in black ink.

8. Grantor agrees that this Utility Easement Agreement shall be binding upon and inure to the benefit of Grantor and Grantee and their respective heirs, personal representatives, administrators, successors and assigns.
9. Grantor hereby certifies that the actual monetary consideration paid for this Agreement is \$2,000.00.

As agent on behalf of Grantee, I certify that this document was prepared by Grantee.

Name: Suzanne Brow
Title: Right of Way Agent

IN WITNESS WHEREOF, the GRANTOR has caused these presents to be signed by its officers and its corporate seal affixed hereto the day and year aforesaid.

TOWNSHIP OF LOWER	
CORPORATE GRANTOR:	
ATTEST: (AFFIX CORPORATE SEAL)	
By: _____	By: _____ (SEAL)
Type Name: _____	Type Name: _____
Title: _____	Title: _____

STATE OR COMMONWEALTH OF	_____)
) SS
COUNTY OF	_____)

BE IT REMEMBERED, that on the _____ day of _____, 2025, personally came before me, a notary public, the within named Grantor, _____ of Township of Lower, who I am satisfied is the person who has signed the within instrument and acknowledged the said instrument to be the act and deed of the said Corporation; that the seal thereto affixed is its common and corporate seal; and that this acknowledging, executing, and delivering the same was duly authorized by a resolution of the Board of Directors of the said Corporation.

Notary Public

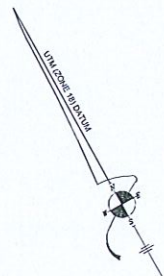
Notary
Seal/Stamp Here

Please complete in black ink.

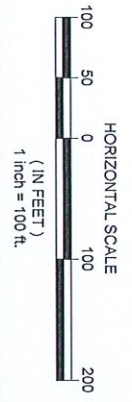
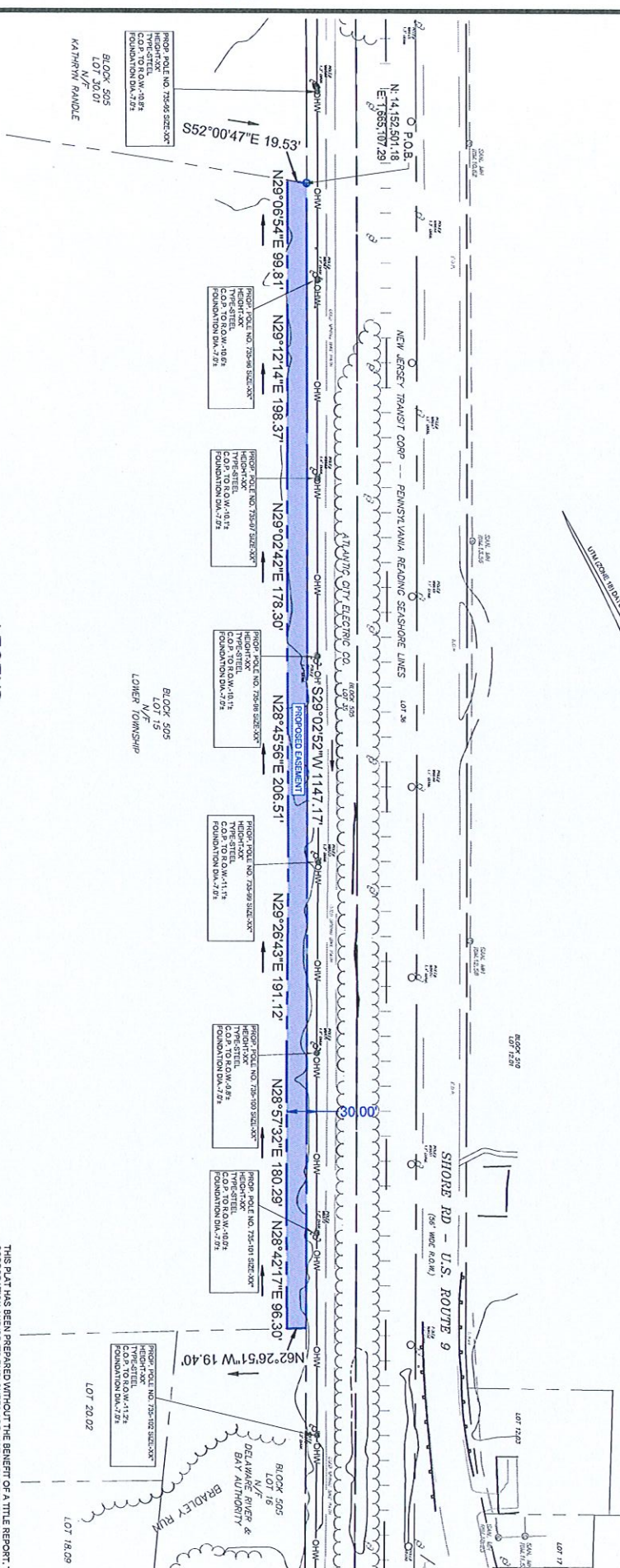
FOR ACE USE ONLY

Secured by: [type Secured By]	Grantor: Township of Lower
Address: 805 Seashore Road	Job Order Number:
County State: Cape May, NJ	Pole Number:
Date of Easement:	Township: Lower
Development:	
Tax Parcels: Block 505 Lot 15	

Please complete in black ink.



- GENERAL NOTES**
1. TAX MAP REFERENCE: TOWNSHIP OF LOWER, BLOCK 505, LOT 15.
 2. PROPOSED EASEMENT IS OVER A PART OF BLOCK 505, LOT 15.
 3. PROPOSED EASEMENT AREA: 225,934 SQ. FT. / 0.520 ACRES



- LEGEND**
- RIGHT OF WAY
 - EASEMENT LINE
 - PROPOSED OVERHEAD WIRE
 - OHW

Fralinger Engineering PA

CONSULTING ENGINEERS • PLANNERS • LAND SURVEYORS • ENVIRONMENTAL SERVICES

629 Shiplake
Bridgeport, NJ 08302
Phone: (856) 451-2890
Fax: (856) 451-8538
www.fralinger.com

PROPOSED EASEMENT PLAN FOR ATLANTIC CITY ELECTRIC	
805 SEASHORE ROAD, CAPE MAY, NJ 08204	
EXHIBIT A	
MUNICIPALITY: LOWER TOWNSHIP	PROJECT #: 31417.00
COUNTY: CAPE MAY COUNTY	CADD FILE #: 3141702_EASEMENT_BLOCK505.LXDWG
STATE: NEW JERSEY	DATE: 08-26-2025
SCALE: AS SHOWN	DRAWN BY: BLF

WILLIAM J. OLBRICH, JR., P.L.S.
PROFESSIONAL LAND SURVEYOR N.J. LIC. NO. 2465043-4600

DATE

bbbrich@fralinger.com

**BLOCK 505,
LOT 15
EXHIBIT A**

THIS PLAT HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT. THE CORPORATION AND/OR ITS EMPLOYEES ARE NOT LIABLE FOR ERRORS OR OMISSIONS RESULTING FROM THIS CONDITION.

THIS PLAT DOES NOT SHOW OR INTEND TO SHOW ANY UNRECORDED EASEMENTS OR RIGHTS-OF-WAY.

ONLY COPIES FROM THE ORIGINAL MAP OF THIS PLAT CLEARLY MARKED WITH THE SURVEYOR'S SIGNATURE AND PROFESSIONAL SEAL SHALL BE CONSIDERED TO BE VALID COPIES.

THE ORIGINAL OF THIS DRAWING IS THE PROPERTY OF FRALINGER ENGINEERING, INC.