

#22-06

**AN ORDINANCE AUTHORIZING PERMANENT WATER UTILITY EASEMENTS
OVER A PORTION OF THE PROPERTY KNOWN AS 1980 ROUTE 1,
NORTH BRUNSWICK, NEW JERSEY,
ALSO KNOWN AS BLOCK 148, LOT 35.01 ON THE OFFICIAL TAX MAP OF THE
TOWNSHIP OF NORTH BRUNSWICK, MIDDLESEX COUNTY,
STATE OF NEW JERSEY**

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Township of North Brunswick is authorized to adopt an Ordinance for the preservation of public health, safety and welfare; and

WHEREAS, pursuant to N.J.S.A. 40A:12-5, the Township of North Brunswick has the power to acquire any real property or property interests for a public purpose through negotiated agreement; and

WHEREAS, the Township of North Brunswick has determined that it would serve a public purpose for it to acquire two (2) permanent water utility easements comprising approximately 5,514 square feet (5,144 SF) and 4,123 square feet (4,123 SF), over, upon, through, under and across a portion of the property known as 1980 Route 1, North Brunswick, New Jersey, also known as Block 148, Lot 35.01 on the Official Tax Map of the Township of North Brunswick, Middlesex County, State of New Jersey, (the "Easements") as further described on legal descriptions entitled "Proposed 15' Wide Utility Easement 'A' Across a Portion of Existing Elizabeth Street to be Vacated and Annexed to Lot 35.01, Block 148" and "Proposed 15' Wide Utility Easement 'B' Across a Portion of Lot 35.01, Block 148" both situated in the Township of North Brunswick, County of Middlesex, State of New Jersey," prepared by Control Point Associates, Inc. and dated April 16, 2021, attached hereto and made a part hereof, and a map entitled, "Exhibit Sketch – Proposed Utility Easements Block 148, Lot 35.01, 1980 Route 1, Township of North Brunswick, Middlesex County, New Jersey, prepared by Control Point Associates, Inc., dated April 19, 2021, with no revisions, attached hereto and made a part hereof, in order to preserve the health, safety and welfare of the citizens of the Township of North Brunswick; and

WHEREAS, the owners of the property comprising the Easements, 1980 U.S. Hwy 1 LLC, have agreed to grant and convey said Easements to the Township of North Brunswick for minimal compensation therefor.

NOW, THEREFORE BE IT ORDAINED, by the Township Council of the Township of North Brunswick, County of Middlesex and State of New Jersey that the acquisition of a permanent water utility easements over, upon, through, under and across a portion of the property known as 1980 Route 1, North Brunswick, New Jersey, also known as Block 148, Lot 35.01 on the Official Tax Map of the Township of North Brunswick, Middlesex County, State of New Jersey, for minimal compensation, be and is hereby authorized and approved; and

BE IT FURTHER ORDAINED, that the Mayor and Clerk are hereby authorized to execute and witness, respectively, the Deed of Easement granting such permanent easement, a copy of which is attached hereto, or any other documents necessary to effectuate the acquisition of such permanent easement; and

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and


BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, This Ordinance shall take effect upon passage and publication in accordance with applicable law.

TITLE

This Ordinance shall be known and may be cited as the Ordinance Acquiring Permanent Water Utility Easements over a portion of 1980 Route 1, North Brunswick, New Jersey, also known as Block 148, Lot 35.01 on the Official Tax Map of the Township of North Brunswick, Middlesex County, State of New Jersey.


 Michael C. Hritz
 Director of Community Development


 Justine Progebih
 Business Administrator

 Ronald H. Gordon, Township Attorney
 (Approved as to legal form)

RECORDED VOTE FIRST READING – FEBRUARY 22, 2022

2-22-22

COUNCIL MEMBER	YES	NO	ABSTAIN	NOTES
MEHTA	✓			
LOPEZ	A			
GUADAGNINO	✓			
ANDREWS 1	✓			
SOCIO 2	✓			
DAVIS	✓			
MAYOR WOMACK				

RECORDED VOTE SECOND READING – MARCH 7, 2022

COUNCIL MEMBER	YES	NO	ABSTAIN	NOTES
MEHTA				
LOPEZ				
GUADAGNINO				
ANDREWS				
SOCIO				
DAVIS				
MAYOR WOMACK				

CERTIFICATION

I hereby certify that the above Ordinance was duly adopted by the Township Council of the Township of North Brunswick, County of Middlesex, at its meeting held on March 7, 2022.

Lisa Russo, Township Clerk

EFFECTIVE DATE

This Ordinance shall take effect upon passage and publication in accordance with applicable law.

- APPROVED
- REJECTED

Francis M. Womack III, Mayor
Township of North Brunswick

Date signed: _____, 2022

CONTROL POINT ASSOCIATES, INC. - ALL RIGHTS RESERVED.
 THE COPYING OR REUSE OF THIS DOCUMENT, OR PORTIONS THEREOF, FOR OTHER THAN THE ORIGINAL PROJECT OR
 THE PURPOSE ORIGINALLY INTENDED, WITHOUT THE WRITTEN PERMISSION OF CONTROL POINT ASSOCIATES, INC., IS PROHIBITED.

US ROUTE 1
 (134.5' WIDE R.O.W.)
 (ASPHALT ROADWAY)
 (TWO WAY TRAFFIC)

BLOCK 149
 LOT 1.01
 (PER TAX MAP)

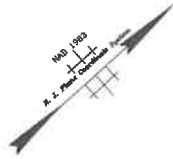
ELIZABETH STREET
 (50' WIDE UNIMPROVED R.O.W.)
 (TO BE VACATED)

EXCELISOR STREET
 (100' WIDE UNIMPROVED R.O.W.)

N42°58'34"E
 15.05'
 P.O.B.
 PROPOSED UTILITY EASEMENT "A"

BLOCK 148
 LOT 35.01

PROPOSED 15' WIDE
 UTILITY EASEMENT "A"
 (3,514 S.F. OR 0.127 AC.)



LEGEND



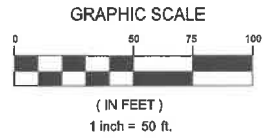
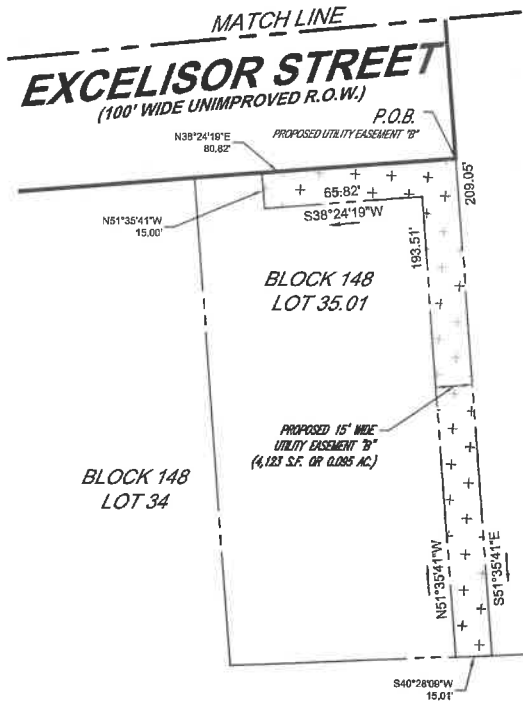
AREA OF PROPOSED UTILITY EASEMENTS

NOTES:

1. THE PURPOSE OF THIS PLAN IS TO DEPICT THE PROPOSED UTILITY EASEMENTS ON AND ALONG LOT 35.01, BLOCK 148.
2. THIS PLAN IS BASED ON INFORMATION PROVIDED, BY A SURVEY PREPARED IN THE FIELD BY CONTROL POINT ASSOCIATES, INC. AND OTHER REFERENCE MATERIAL AS LISTED HEREON.

REFERENCES:

1. THE OFFICIAL TAX ASSESSOR'S MAP OF THE TOWNSHIP OF NORTH BRUNSWICK, MIDDLESEX COUNTY, NEW JERSEY, SHEET #32.
2. MAP ENTITLED, "ALTA/NSPS LAND TITLE SURVEY, BLOCK 148, LOTS 34, 35.01 & 36, 1980 US ROUTE 1, TOWNSHIP OF NORTH BRUNSWICK, MIDDLESEX COUNTY, STATE OF NEW JERSEY", PREPARED BY CONTROL POINT ASSOCIATES, INC., DATED 12-31-2020, LAST REVISED 02-16-2021.
3. ROAD VACATION & EASEMENT SKETCH PROVIDED BY CLIENT ON 03-10-2021.



THIS SURVEY HAS BEEN PERFORMED IN THE FIELD UNDER MY SUPERVISION, AND TO THE BEST OF MY KNOWLEDGE, BELIEF, AND INFORMATION, THIS SURVEY HAS BEEN PERFORMED IN ACCORDANCE WITH CURRENTLY ACCEPTED ACCURACY STANDARDS.



Digitally signed
 by James D. Sens, PL S
 Date: 2021.04.19
 08:47:14 -04'00'

JAMES D. SENS
 NEW JERSEY PROFESSIONAL LAND SURVEYOR #2424304322600
 NEW JERSEY CERTIFICATE OF AUTHORIZATION #2424304322600

FIELD DATE	EXHIBIT SKETCH - PROPOSED UTILITY EASEMENTS				
FIELD BOOK NO.	BLOCK 148, LOT 35.01				
FIELD BOOK PG.	1980 US ROUTE 1				
FIELD CREW	TOWNSHIP OF NORTH BRUNSWICK				
DRAWN:	MIDDLESEX COUNTY, STATE OF NEW JERSEY				
REVIEWED:	CONTROL POINT ASSOCIATES, INC. 30 INDEPENDENCE BOULEVARD, SUITE 100 WARREN, NJ 07059 908.688.2099 - 908.688.5295 FAX WWW.CPA-SURVEY.COM				
APPROVED:	J.D.S.	DATE	04-16-2021	SCALE	1"=50'
FILE NO.	01-200146-00	DWG. NO.	1	OF	1

CHALFONT, PA 215.712.9800
 MT. LAUREL, NJ 609.487.2099
 MANHATTAN, NY 646.780.9411
 LONG ISLAND, NY 631.589.2445
 SOUTHBOULDER, MA 603.946.3000
 ALBANY, NY 518.217.5010
 ROCHESTER, NY 315.250.1784



April 16, 2021
 01-200146-00

LEGAL DESCRIPTION
 PROPOSED 15' WIDE UTILITY EASEMENT "B"
 ACROSS A PORTION OF LOT 35.01, BLOCK 148
 TOWNSHIP OF NORTH BRUNSWICK, COUNTY OF MIDDLESEX
 STATE OF NEW JERSEY

BEGINNING AT A POINT, SAID POINT BEING WHERE THE NORTHEASTERLY TERMINAL LINE EXCELISOR STREET (100 FEET WIDE RIGHT OF WAY) INTERSECTS THE SOUTHWESTERLY LINE OF LOT 35.01, BLOCK 148, AND RUNNING THENCE;

1. ACROSS LOT 35.01, BLOCK 148, SOUTH 51 DEGREES 35 MINUTES 41 SECONDS EAST, A DISTANCE OF 209.05 FEET TO A POINT IN THE DIVIDING LINE OF LOTS 34 & 35.01, BLOCK 148, THENCE;
2. ALONG SAID DIVIDING LINE, SOUTH 40 DEGREES 28 MINUTES 09 SECONDS WEST, A DISTANCE OF 15.01 FEET TO A POINT, THENCE;
3. ACROSS LOT 35.01 THE FOLLOWING THREE (3) COURSES, NORTH 51 DEGREES 35 MINUTES 41 SECONDS WEST, A DISTANCE OF 194.05 FEET TO A POINT, THENCE;
4. SOUTH 38 DEGREES 24 MINUTES 19 SECONDS WEST, A DISTANCE OF 65.82 FEET TO A POINT, THENCE;
5. NORTH 51 DEGREES 35 MINUTES 41 SECONDS WEST, A DISTANCE OF 15.00 FEET TO A POINT IN THE SOUTHEASTERLY LINE OF EXCELISOR STREET, THENCE;
6. ALONG SAID LINE, NORTH 38 DEGREES 24 MINUTES 19 SECONDS EAST, A DISTANCE OF 80.82 FEET TO THE POINT AND PLACE OF BEGINNING.

CONTAINING 4,123 SQUARE FEET OR 0.095 ACRES

THIS DESCRIPTION IS PREPARED WITH REFERENCE TO A MAP ENTITLED "EXHIBIT SKETCH – PROPOSED UTILITY EASEMENTS, BLOCK 148, LOT 35.01, 1980 US ROUTE 1, TOWNSHIP OF NORTH BRUNSWICK, MIDDLESEX COUNTY, STATE OF NEW JERSEY," PREPARED BY CONTROL POINT ASSOCIATES INC., DATED 04-16-2021.



Digitally signed
 by James D.
 Sens, PLS
 Date:
 2021.04.19
 08:53:05 -04'00'

CONTROL POINT ASSOCIATES, INC.

04-16-2021
 DATE
 JAMES D. SENS
 STATE OF NEW JERSEY
 PROFESSIONAL LAND SURVEYOR #24GS04322600
 NEW JERSEY CERTIFICATE OF AUTHORIZATION #24GA27938600

JDS/MJB
 PREPARED BY: MJB
 REVIEWED BY: JDS



April 16, 2021
01-200146-00

LEGAL DESCRIPTION

PROPOSED 15' WIDE UTILITY EASEMENT "A"

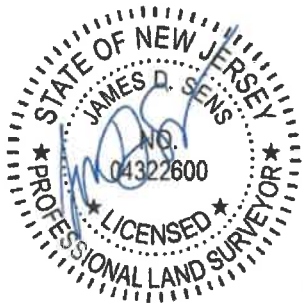
ACROSS A PORTION OF EXISTING ELIZABETH STREET TO BE VACATED AND ANNEXED TO LOT 35.01, BLOCK 148 TOWNSHIP OF NORTH BRUNSWICK, COUNTY OF MIDDLESEX STATE OF NEW JERSEY

BEGINNING AT A POINT IN THE SOUTHEASTERLY LINE OF U.S. ROUTE 1 (134.5 FEET WIDE RIGHT OF WAY), WHERE THE SAME IS INTERSECTED BY THE EXISTING NORTHERLY LINE OF ELIZABETH STREET (50 FEET WIDE UNIMPROVED RIGHT OF WAY TO BE VACATED), AND RUNNING THENCE;

1. ALONG THE EXISTING NORTHERLY LINE OF ELIZABETH STREET, SOUTH 51 DEGREES 35 MINUTES 41 SECONDS EAST, A DISTANCE OF 366.98 FEET TO A POINT IN THE NORTHWESTERLY LINE OF EXCELISOR STREET (100 FEET WIDE UNIMPROVED RIGHT OF WAY), THENCE;
2. ALONG SAID NORTHWESTERLY LINE, SOUTH 38 DEGREES 24 MINUTES 19 SECONDS WEST, A DISTANCE OF 15.00 FEET TO A POINT IN, THENCE;
3. ACROSS ELIZABETH STREET RIGHT OF WAY, NORTH 51 DEGREES 35 MINUTES 41 SECONDS WEST, A DISTANCE OF 368.19 FEET TO A POINT IN THE SOUTHEASTERLY LINE OF U.S. ROUTE 1, THENCE;
4. ALONG SAID SOUTHEASTERLY LINE, NORTH 42 DEGREES 59 MINUTES 34 SECONDS EAST, A DISTANCE OF 15.05 FEET TO THE POINT AND PLACE OF BEGINNING.

CONTAINING 5,514 SQUARE FEET OR 0.127 ACRES

THIS DESCRIPTION IS PREPARED WITH REFERENCE TO A MAP ENTITLED "EXHIBIT SKETCH – PROPOSED UTILITY EASEMENTS, BLOCK 148, LOT 35.01, 1980 US ROUTE 1, TOWNSHIP OF NORTH BRUNSWICK, MIDDLESEX COUNTY, STATE OF NEW JERSEY," PREPARED BY CONTROL POINT ASSOCIATES INC., DATED 04-16-2021.



Digitally signed
by James D. Sens, PLS
Date: 2021.04.19 08:52:31 -04'00'

CONTROL POINT ASSOCIATES, INC.

04-16-2021
DATE

JAMES D. SENS
STATE OF NEW JERSEY
PROFESSIONAL LAND SURVEYOR #24GS04322600
NEW JERSEY CERTIFICATE OF AUTHORIZATION #24GA27938600

JDS/MJB

PREPARED BY: MJB
REVIEWED BY: JDS

Record and Return To:

Prepared By: Stephen A. Kisker, Esq.

UTILITY EASEMENT

THIS UTILITY EASEMENT is made this ___ day of _____, 2022 by

1980 US HWY I LLC C/O PRINCIPAL REAL ESTATE INVESTORS, with an address of 801 Grand Avenue, Des Moines, Iowa 50392 (“**Grantor**”).

in favor of

the **TOWNSHIP OF NORTH BRUNSWICK**, a municipal corporation of the State of New Jersey, having an address of 710 Hermann Road, North Brunswick, New Jersey 08902 (“**Grantee**”).

WHEREAS, Grantor is the owner of land designated as Block 148, Lot 35.01 on the official tax map of the Township of North Brunswick, County of Middlesex, and State of New Jersey (the “**Property**”); and

WHEREAS, Grantee has requested that Grantor convey a Utility Easement (hereinafter defined) over a portion of the Property.

NOW, THEREFORE, in consideration of One Dollar, and other good and valuable consideration, the receipt of which is hereby acknowledged, Grantor does hereby give, grant, and convey unto Grantee, its successors, assigns, agents and contractors, a Utility Easement over the portion of the Property described herein, upon the following terms and conditions.

1. **Utility Easement Area.** Grantor hereby grants an easement (“**Utility Easement**”) to Grantee over that portion of the Property described on Exhibit A attached hereto (the “**Easement Area**”).

2. **Purpose of Utility Easement.** This Utility Easement conveys to Grantee, its successors, assigns, agents and contractors (collectively “**Agents**”) the right to utilize the Easement Area for the purposes of the installation, removal, repair, use and maintenance of utility lines and systems, either above ground or below ground, together with all surface and sub-surface appurtenances deemed desirable or necessary to construct, reconstruct, remove, operate, use, maintain, inspect and/or repair same, together with the free right of Grantee and/or its Agents access to, and the right to enter and depart over and across such property, insofar as such right to enter and depart is necessary for the proper use of any other right granted herein. Reserving unto Grantor, its successors and assigns, the right to use the surface of so much of the land of Grantor as lies within the Easement Area for any lawful purposes which do not damage or interfere in any way whatsoever with the Grantee's lawful enjoyment of the Utility Easement.

3. **Duration of Easement and Assignment of Rights.** This Utility Easement is permanent and perpetual, and shall run with the land and shall inure to the benefit of the Grantee, its successors and/or assigns.

4. **Indemnification.** As further consideration for the rights granted herein, Grantee shall indemnify and hold Grantor, its successors and assigns, harmless from and against any and all damages, conditions, and claims arising out their activities within the Utility Easement Area, except for those claims that may arise out of the Grantor’s negligence or willful misconduct.

5. **Counterparts.** This instrument may be executed in one or more counterparts, together which shall constitute the same instrument.

IN WITNESS WHEREOF, Grantor has executed this Utility Easement the day and year first above written.

WITNESS:

By: _____

Name:

Title:

STATE OF NEW JERSEY

SS.:

COUNTY OF _____

BE IT REMEMBERED, that on _____, 2022 before me, the subscriber, personally appeared _____, who acknowledged under oath, to my satisfaction, that this person (or if more than one, each person):

- (a) was the maker of this Utility Easement;
- (b) was authorized to and did execute this Utility Easement as _____ of 1980 Us Hwy 1 LLC c/o Principal Real Estate Investors, the entity named in this Utility Easement; and
- (c) executed this Utility Easement as the act of the entity.

Notary Public

Exhibit A

The Easement Area