

**BOROUGH OF PENNINGTON
ORDINANCE NO. 2018-7**

**AN ORDINANCE BY THE BOROUGH OF PENNINGTON, COUNTY OF MERCER, STATE OF
NEW JERSEY PURSUANT TO N.J.S.A. 40A:12-13(B)(4) AUTHORIZING THE CONVEYANCE
TO THE HERITAGE AT PENNINGTON CONDOMINIUM ASSOCIATION, INC. OF
EASEMENTS.**

WHEREAS, American Properties at Pennington, LLC has received approval from the Pennington Planning Board to construct an 80-unit community known as Heritage at Pennington; and

WHEREAS, within said community there are four sidewalk/parking easements which have been conveyed to the Borough of Pennington but which benefit the community's homeowner's association and are not a part of sidewalk and roadway easements which benefit the general public within said community; and

WHEREAS, American Properties at Pennington, LLC has requested that said sidewalk and parking easements be conveyed by the Borough of Pennington to the Heritage at Pennington Condominium Association, Inc. since said sidewalk and parking easements benefit the homeowners association only; and

WHEREAS, the New Jersey Local Lands and Buildings Law, *N.J.S.A. 40A:12-13(b)(4)* allow for the conveyance by the Borough of Pennington of said easements if the Borough determines to release the public rights in said easement for the benefit of the aforementioned homeowner's association; and

WHEREAS, the Borough's Planning Board attorney has reviewed the American Properties at Pennington, LLC approved development plans last revised May 22, 2017 and as a result of said review recommends to the Pennington Borough Council the conveyance of said sidewalk and parking easements from the Borough to the Heritage of Pennington Condominium Association, Inc. in order to be consistent with the aforementioned approved plans.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, County of Mercer, State of New Jersey as follows:

1. The Mayor and Borough Clerk are hereby authorized and directed to enter into easement agreements whereby the following sidewalk and parking easements are conveyed by the Borough of Pennington to the Heritage at Pennington Condominium Association, Inc.:
 - a) Sidewalk and parking easements dated November 30, 2017 between American Properties at Pennington, LLC and the Borough of Pennington as recorded in the Office of the Mercer County Clerk on January 17, 2018 in Deed Book 6314, Page 27; (Block 102, Part of Lot 1.67); and
 - b) Sidewalk and parking easements dated November 30, 2017 between American Properties at Pennington, LLC and the Borough of Pennington as recorded in the Office of the Mercer County Clerk on January 17, 2018 in Deed Book 6314, Page 8 (Block 102, Part of Lot 1.66); and
 - c) Sidewalk easement dated November 30, 2017 between American Properties at Pennington, LLC and the Borough of Pennington as recorded in the Office of the Mercer County Clerk on January 17, 2018 in Deed Book 6314, Page 21 (Block 102, Part of Lot 1.41); and
 - d) Sidewalk and parking easements dated November 30, 2017 between American Properties at Pennington, LLC and the Borough of Pennington as recorded in the Office of the Mercer County Clerk on January 17, 2018 in Deed Book 6314, Page 15 (Block 102, Part of Lot 1.68).
2. The Borough Council of the Borough of Pennington hereby finds that said easements are not necessary or required for any public purpose other than internal circulation and parking within the Heritage at Pennington Community and should be properly owned and maintained by the Community's homeowner's association.
3. This Ordinance shall take effect upon its passage and publication as provided for by law.

Date Introduced: May 7, 2018

Date Advertised: May 11, 2018

Public Hearing: June 4, 2018

Date Adopted: June 4, 2018

Final Publication: June 4, 2018

ATTEST:

APPROVED:

Elizabeth Sterling, Borough Clerk

Anthony Persichilli, Mayor