

**BOROUGH OF PENNINGTON
ORDINANCE NO. 2018 - 8**

**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 ACCEPTANCE
OF A SIDEWALK EASEMENT ON BLOCK 202, PART OF LOT 1 PENNINGTON BOROUGH
TAX MAP.**

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 on property located adjacent to the northerly side of West Franklin Avenue; and

WHEREAS, a condition of said approval involves the installation of a sidewalk on West Franklin Avenue from Knowles Street towards New Jersey State Highway Route No. 31; and

WHEREAS, American Properties at Pennington, LLC in consultation with the Pennington Borough Police Director has agreed that for public pedestrian safety purposes a portion of the aforementioned sidewalk should be installed on the southerly side of West Franklin Avenue at the expense of American Properties at Pennington, LLC so that said sidewalk can be connected to the sidewalk system for the Shoppes at Pennington Complex; and

WHEREAS, the owners of said complex, Pennington Investments, LLC, have consented to the installation of a portion of the sidewalk on their above-referenced property (Block 202, Lot 1 Pennington Borough Tax Map) and has further agreed to provide an easement to the Borough of Pennington for a right of way dedication for said sidewalk; and

WHEREAS, the New Jersey Local Lands and Buildings Law, *N.J.S.A. 40A:12-13(b)(4)* permits the Borough of Pennington to accept said right of way easement dedication; and

WHEREAS, the Council of the Borough of Pennington wishes to facilitate the aforementioned installation of a portion of the West Franklin Avenue sidewalk along the southerly side of West Franklin Avenue for purposes of enhancing pedestrian safety.

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 Clerk of the Borough of Pennington are hereby authorized and directed to enter into an easement agreement with Pennington Investments, LLC, its successors and or assigns, to accept a right of way easement dedication on a portion of Block 202, Lot 1 Pennington Borough Tax Map. The deed of easement shall be prepared by the Pennington Borough Planning Board attorney.
2. This Ordinance shall take effect upon its passage and publication as provided for by law.

Date Introduced:	<u>May 7, 2018</u>
Date Advertised:	<u>May 11, 2018</u>
Public Hearing:	<u>June 4, 2018</u>
Date Adopted:	<u>June 4, 2018</u>
Final Publication:	<u>June 8, 2018</u>

ATTEST:

APPROVED:

Elizabeth Sterling, Borough Clerk

Anthony Persichilli, Mayor