

**BOROUGH OF PENNINGTON
ORDINANCE NO. 2019 - 14**

**ORDINANCE ACCEPTING GRANT OF EASEMENT TO THE BOROUGH OF
PENNINGTON FOR PUBLIC RIGHT-OF-WAY ACCESS BETWEEN SOUTH MAIN
STREET AND THE PROPERTY OF THE PENNINGTON AFRICAN CEMETERY
ASSOCIATION**

WHEREAS, John D. Schragger and Michelle L. Schragger are the owners of property in the Borough of Pennington known as 417 South Main Street, designated on the tax records of the Borough as Lot 12 in Block 1002 (“Schragger Property”);

WHEREAS, the Pennington African Cemetery Association is the owner of property in the Borough of Pennington designated on the tax records of the Borough of Pennington as Lot 46 in Block 1002 (“PAC Property”), which adjoins the Schragger Property in the rear and includes a 15’ wide driveway running to South Main Street along and adjoining the Schragger Property on the north;

WHEREAS, the Pennington Borough Planning Board has approved a subdivision of the Schragger Property, with variances, creating Lots 12.01 in Block 1002 fronting on South Main Street and Lot 12.02 in Block 1002 without frontage on the street but adjoining the PAC Property and driveway (Resolution of Memorialization of Application No. P16-002, June 8, 2016);

WHEREAS, as part of the approval of subdivision the Planning Board requested an easement to continue the right of the public to use the existing PAC driveway for ingress and egress and requiring that it be granted in the same document as that providing easement rights for the Schragger Property (Resolution of Memorialization, Condition of Approval 14.b);

WHEREAS, the Pennington African Cemetery Association, John D. Schragger and Michelle L. Schragger, and the Borough of Pennington are now proposed parties to the proposed driveway and shed easements attached to this Ordinance (“Driveway and Shed Easements”) by which, among other things, (1) PAC conveys to the Borough of Pennington an easement for public pedestrian and vehicular ingress and egress between South Main Street and the Pennington African Cemetery, and (b) PAC grants and conveys unto the Schraggers and their successors and assigns a perpetual easement for the purpose of pedestrian and vehicular ingress and egress to Lots 12.01 and 12.02 as further described in the Driveway and Shed Easements;

WHEREAS, consideration for the Driveway and Shed Easements and their terms are described in the easement document and its exhibits, including but not limited to the responsibility of the Schraggers for perpetual maintenance of the easement, including snow removal;

WHEREAS, the form of Driveway and Shed Easements attached has been reviewed by the attorney for the Pennington Borough Planning Board and determined to be acceptable as to form and content and in compliance with Condition 14.b of the Board approval;

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

1. The proposed Driveway and Shed Easements granting the Borough of Pennington an easement for public pedestrian and vehicular ingress and egress as described above and in the annexed easement document is hereby accepted and approved on behalf of the Borough.
2. The proposed Driveway and Shed Easements includes an Environmental Easement to the Borough as well as a Historic Preservation Easement, which are also accepted on behalf of the Borough.
3. The Mayor, with the attestation of the Borough Clerk, is authorized to execute the Driveway and Shed Easements on behalf of the Borough and to take such steps as necessary to ensure its recording in the Office of the Mercer County Clerk in accordance with law.

BE IT FURTHER ORDAINED that this Ordinance shall be effective upon passage and publication as provided by law.

Introduced: November 4, 2019

Advertised: _____

Public Hearing: _____

Public Hearing: _____

Adoption: _____

Advertised: _____

ATTEST:

APPROVED:

Elizabeth Sterling, Borough Clerk

Joseph Lawver, Mayor

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RECORD OF COUNCIL VOTE ON INTRODUCTION

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Chandler	X				Marciante	M			
Gnatt	S				Mills				absent
Griffiths	X				Semple	X			

RECORD OF COUNCIL VOTE ON ADOPTION

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Chandler					Marciante				
Gnatt					Mills				
Griffiths					Semple				