

**BOROUGH OF PENNINGTON
ORDINANCE 2019 -2**

**ORDINANCE GRANTING STORM DRAINAGE EASEMENT TO COUNTY OF MERCER ON
BOROUGH LAND KNOWN AS BLOCK 206, LOTS 5 AND 12, IN THE BOROUGH OF
PENNINGTON**

WHEREAS, Cugino’s Pennington, LLC, d/b/a Cugino’s Italian Market (“Applicant”) has received Pennington Planning Board approval of Amended Preliminary and Final Site Plan, Bulk Variances and Waiver Requests (Application No. P16-005) for additional improvements to the existing commercial structure which Applicant occupies for a restaurant and catering business at 147 West Delaware Avenue in Pennington, designated Block 206, Lot 13 on the Pennington Borough Tax Map (“Property”);

WHEREAS, the owner of the Property is Old Mill Square, LLC, a New Jersey limited liability company, whose address is 98 Franklin Corner Road, Lawrenceville, New Jersey 08648 (“Owner”);

WHEREAS, a condition of the approvals, as memorialized by Revised Planning Board Resolution of Memorialization adopted on January 10, 2018, requires that Applicant shall prepare an easement plan to address stormwater management on the Property in accordance with a certain plan of easements;

WHEREAS, the plan of easements for the Property includes a storm drainage easement granted by Owner to the County of Mercer on the Property itself, and a storm drainage easement dedicated by the Borough of Pennington to the County of Mercer on the adjoining land known as Block 206, Lots 5 and 12 (“Borough Property”);

WHEREAS, the purpose of the easement to be granted by the Borough on the Borough’s Property is to allow the County to use the easement for storm drainage and to access the pipe on the Borough Property for maintenance, repairs and replacement;

WHEREAS, Applicant’s plan of easements, including the easement to be granted by the Borough, is shown on a plan prepared by Hopewell Valley Engineering, P.C. entitled “Mercer County Drainage Easements in Tax Block 206, Lots 5, 12 and 13 Situated in Pennington Borough, Mercer County, NJ,” Scale 1”=10’ dated October 5, 2017, last revised January 11, 2018 (“Plan”);

WHEREAS, under the Planning Board approval the proposed easements to the County of Mercer must be administratively reviewed and approved by the Borough Engineer;

WHEREAS, the proposed Storm Drainage Easement to be granted by the Borough on the Borough Property (“Borough Storm Drainage Easement”) has been reviewed and approved by the Borough Engineer and is attached to this Ordinance and incorporated herein by reference;

WHEREAS, the Borough Storm Drainage Easement includes as exhibits a metes and bounds description of the Easement Area prepared by Hopewell Valley Engineering, PC (Exhibit A), a reduced copy of the Plan prepared by Hopewell Valley Engineering, PC (Exhibit B) and a letter from the Planning Director of the Mercer County Planning Board dated September 21, 2017 reflecting conditional approval of Applicant’s site plan and related easements (Exhibit C);

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Pennington, that the Mayor, with the attestation of the Borough Clerk, is hereby authorized to execute the attached Storm Drainage Easement and to take such further actions and to execute such further documents as needed to effectuate grant of the described easement by the Borough of Pennington to the County of Mercer on a portion of Block 206, Lots 5 and 12; and

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

Introduced: March 11, 2019
Advertised: March 22, 2019
Public Hearing: April 1, 2019
Adopted: April 1, 2019
Published: April 5, 2019

ATTEST:

APPROVED:

Elizabeth Sterling, Borough Clerk

Joseph Lawver, Mayor