

ORDINANCE 11-2017

**AN ORDINANCE AUTHORIZING THE EXECUTION AND RECORDING OF DEED
OF EASEMENT (STORM DRAINAGE EASEMENT)
BLOCK 1814/LOT 6 (WILLOW STREET)**

WHEREAS, the Borough of Clayton (hereinafter referred to as "Borough") has a need to install a storm water catch basin and storm drainage system on property located at Block 1814/Lot 6 and more commonly known as 1304 Willow Street (hereinafter referred to as the "Property"); and

WHEREAS, the Borough needs to install one hundred and ten (110) feet of pipe to the rear of the Property to complete the installation of the storm drainage system; and

WHEREAS, it has been determined that an easement is required to access the Property to complete the work and to access the Property to service and maintain the storm drainage system in the future; and

WHEREAS, the Property owner has consented to grant access to the Property, by the Borough, and to allow the Borough to complete the project and to provide for future access for the Borough to maintain the storm drainage system; and

WHEREAS, a Deed of Easement was prepared by the Borough and reviewed by the Property owner; and

WHEREAS, the Property owner has agreed to execute the Deed of Easement to grant an easement on a portion of their property for the installation of a storm drainage system and for future access for the maintenance of the storm drainage system by the Borough; and

WHEREAS, the Borough has received a fully executed Deed of Easement by the Property owner for the Property located at Block 1814/Lot 6 and more commonly known as 1304 Willow Street which is attached hereto and incorporated herein.

NOW, THEREFORE, BE IT ORDAINED by the Borough of Clayton in the County of Gloucester, and State of New Jersey as follows:

1. Pursuant to Local Lands and Buildings Law of the State of New Jersey, N.J.S.A. 40A:12-1, et seq., the Borough of Clayton does hereby authorize the execution and recording of the attached Deed of Easement pertaining to Block 1814/Lot 6, more commonly known as 1304 Willow Street for the installation of a storm drainage system and for the future access for maintenance of the storm drainage system by the Borough.
2. That the Mayor and Borough Clerk be and are hereby authorized to execute and record the Deed of Easement on behalf of the Borough of Clayton.

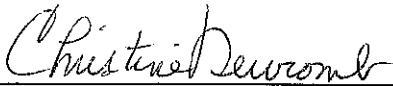
BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon final passage and publication as required by law.

BOROUGH OF CLAYTON



THOMAS BIANCO, Mayor

Attest:



CHRISTINE NEWCOMB, Borough Clerk

NOTICE OF INTRODUCTION

ORDINANCE 11-2017

**AN ORDINANCE AUTHORIZING THE EXECUTION
AND RECORDING OF DEED OF EASEMENT (STORM
DRAINAGE EASEMENT) BLOCK 1814, LOT 6
(WILLOW STREET)**

TAKE NOTE that the foregoing ordinance was introduced at a meeting of the Mayor and Council of the Borough of Clayton held on April 13, 2017 and was then read for the first time. The said ordinance will be further considered for final passage by the Mayor and Council at the Municipal Building, 125 N. Delsea Drive, Clayton, New Jersey, at a meeting beginning 6:30 p.m. on April 27, 2017, at which time and place, or any time and place to which such meeting be adjourned, all persons interested will be given an opportunity to be heard concerning such ordinance.

BY ORDER of the Mayor and Council of the Borough of Clayton.

Christine Newcomb
Borough Clerk

NOTICE OF ADOPTION

ORDINANCE 11-2017

**AN ORDINANCE AUTHORIZING THE EXECUTION
AND RECORDING OF DEED OF EASEMENT
(STORM DRAINAGE EASEMENT)
BLOCK 1814/LOT 6 (WILLOW STREET)**

The foregoing Ordinance was finally adopted by the Mayor and Council of the Borough of Clayton on April 27, 2017.

Christine Newcomb
Borough Clerk

DEED OF EASEMENT
(Storm Drainage Easement)

THIS DEED OF EASEMENT (this "Easement") is made on this 7th day of April, 2017 by CHARRISE L. RUSSELL (formerly known as CHARISSE L. ELLIS, residing at Block 1814/Lot 6 in the Borough of Clayton with a mailing address of 1304 Willow Street, Glassboro, New Jersey 08028 (hereinafter referred to as "Grantor"), and THE BOROUGH OF CLAYTON, a body corporate and politic of the State of New Jersey, with offices at 125 N. Delsea Drive, Clayton, New Jersey 08312 (hereinafter referred to as "Grantee"). The words "Grantor" and "Grantee" shall mean all Grantors and all Grantees listed above.

THIS EASEMENT is granted by Grantor to Grantee (and to Grantee's successors in title) for and in consideration of One (\$1.00) Dollar and other good and valuable consideration, receipt of which is hereby acknowledged.

THE LANDS AFFECTED by this Easement (the "Affected Lands") are more formally described on EXHIBIT "A" (attached hereto and incorporated herein by this reference) prepared by John T. Butler, PLSNJ, Professional Land Surveyor. of Sickels & Associates. Said above affected lands is also depicted on a "Plan of Easement for Willow Street", Block 1814, Lot 6 and Block 1820, Lot 6 for the Borough of Clayton, Gloucester County, New Jersey prepared by Sickels & Associates, Inc., dated March 30, 2016, revised March 22, 2017, attached hereto as EXHIBIT "B" and incorporated herein by this reference and to be recorded concurrently with this Deed of Easement.

THE TERMS OF THIS EASEMENT are as follows:

1. Grantee is permitted to place, construct, install, operate, maintain and inspect storm drainage facilities across the affected lands, provided that (a) all such facilities shall be constructed and installed under the affected lands, (b) all such facilities shall be kept in good repair and operating condition, (c) any plants, shrubs, and other growth located on the affected lands shall either not be disturbed by such construction and installation, or, if disturbed, shall promptly be replaced in like kind, (d) any structures located on the affected lands shall either not be disturbed by such construction and installation, or, if disturbed, shall promptly be replaced in like kind, and (e) the affected lands shall in all other respects be restored to the condition existing immediately prior to such construction and installation.
2. Grantor shall not plant any shrubs, trees or other growth and/or install any fences, poles or placement of other structures in the proposed easement area.
3. Upon reasonable notice to Grantor, and with Grantor's consent, Grantee shall have the right to ingress and egress to and over the affected lands at any time reasonably necessary for the purpose of constructing, repairing or inspecting the said drainage facilities and for doing anything reasonably necessary, useful or convenient for the enjoyment of the specific limited easement herein granted. Grantor shall not unreasonably withhold said approval.

However, in the event of an emergency, as solely determined by the Director of Public Works and/or the Borough Engineer, Grantor expressly waives said notice and consent provision. Grantee shall use its best efforts during the performance of any such work to minimize interference with Grantor's use and enjoyment of the affected lands.

4. Grantee shall have the right to remove at any time any or all of the drainage improvements erected under the affected lands subject to the same obligations either not to disturb or to replace in like kind any structures, plants, shrubs, or other growth then located on the affected lands and to otherwise restore the affected lands to the condition existing immediately prior to such removal.

THIS EASEMENT and the rights and obligations hereunder shall run with the land and be binding upon all the parties hereto, their successors, heirs, transferees and assigns.

BEING a part of the same land and premises conveyed to Charisse L. Ellis from Stanley H. Aglow, by Deed dated March 31, 2003 and recorded in the Gloucester County Clerk's Office in Deed Book 3584, Page 265 on May 1, 2003.

THE GRANTOR SIGNS THIS DEED OF EASEMENT to be effective as of the date written at the top of the first page.

WITNESS:

GRANTOR:

Christine Newcomb

By: Charrise Russell
Charrise L. Russell

ACKNOWLEDGMENT

STATE OF NEW JERSEY, COUNTY OF Gloucester SS:

I certify that on April 7, 2017, Charrise L. Russell (formerly known as Charisse L. Ellis) personally came before me stated to my satisfaction that this person (or if more than one, each person):

- (a) is the maker of this Deed of Easement; and
- (b) executed this Deed of Easement as her own act; and
- (c) made this Deed of Easement for \$1.00 as full and actual consideration paid to or to be paid for the transfer of title. (Such consideration is defined in N.J.S.A. 46:15-5); and

Signed and sworn before me on

April 7, 2017

Debra A. Schlosser

DEBRA A. SCHLOSSER
A Notary Public of New Jersey
My Commission Expires 07/08/2021

Record and Return to:
Law Office of Timothy D. Scaffidi
28 Cooper Street
Woodbury, New Jersey 08096