

**TOWNSHIP OF UPPER
CAPE MAY COUNTY
O R D I N A N C E**

ORDINANCE NO. 009-2016

**RE: AN ORDINANCE AUTHORIZING THE GRANT OF AN EASEMENT
FROM THE TOWNSHIP OF UPPER TO AN ADJACENT LAND OWNER**

WHEREAS, the Township of Upper is the owner, in fee, of a certain parcel of land located within the Township of Upper, County of Cape May and State of New Jersey and known as Block 350, Lot 11 on the current municipal tax map; and

WHEREAS, the Township received a request from Housing Opportunities Corporation, a New Jersey corporation, owner of Block 350, Lot 9 on the current municipal tax map, for an easement over a portion of Lot 11 to rectify an encroachment of approximately one and a half foot of a barn which has existed for decades; and

WHEREAS, Housing Opportunities Corporation, is a subsidiary of Triad Advisory Associates, Inc., the consultant and administrator for the Township with regard to the Township's Market To Affordable Program and Housing Opportunities Corporation purchased Lot 9 pursuant to this program; and

WHEREAS, after discussion and deliberation, the Township Committee is of the opinion that the grant of this easement will be in the best interest of the Township and its Market to Affordable Program; and

NOW, THEREFORE, BE IT ORDAINED, by the Township of Upper, in the County of Cape May and State of New Jersey, as follows:

SECTION 1: Subject to the provisions hereafter set forth, the Township of Upper is authorized to grant, to the only contiguous owner, Housing Opportunities Corporation, in accordance with N.J.S.A. 40A:12-13(b), an easement over lands owned by it more particularly described as follows:

The Township easement to be conveyed to Housing Opportunities Corporation is over the following land:

An easement over Block 350 Lot 11 on the current municipal tax map more particularly described as follows:

BEGINNING at a point which is 13' North 15 degrees 30 minutes 00 seconds West of the Southwesterly property corner of Lot 9 Block 350 being the common property corner with Lot 8 Block 350; and extending thence;

1. South 74 degrees 30 minutes 00 seconds West, across Lot 11 Block 350 a distance of 2.00 feet to a point; thence
2. North 15 degrees 30 minutes 00 seconds West, through Lot 11 Block 350 a distance of 36.00 feet, a point; thence
3. North 74 degrees 30 minutes 00 seconds East, across Lot 11 Block 350 a distance of 2.00 feet to a point in the division line of Lots 9 and 11 Block 350; thence
4. South 15 degrees 30 minutes 00 seconds East, along said Southwesterly line of Lot 9 a distance of 36.00 feet, a point, to the POINT OF BEGINNING.

SECTION 2: The grant of the easement authorized in Section 1 hereof is expressly conditioned and contingent upon the following:

- (A) The sole purpose of the easement is to permit the current encroachment of the building on Lot 9 onto Lot 11.
- (B) In the event the building encroaching upon Lot 11 is damaged or destroyed, by any means, to the extent of more than seventy-five percent (75%) of the cost of replacement of the structure new the easement shall terminate and be of no further force and effect.
- (C) No consideration is due from the Housing Opportunities Corporation for the grant of this easement. The easement is in furtherance of the affordable housing programs of the Township of Upper and the subject building has encroached upon the Township land for decades.

SECTION 3: EFFECTIVE DATE: This Ordinance shall take effect upon final adoption and publication as required by law.

ATTEST:


BARBARA L. YOUNG, Township Clerk


RICHARD PALOMBO, Mayor

NOTICE IS HEREBY GIVEN THAT THE FOREGOING ORDINANCE WAS INTRODUCED FOR FIRST READING AT A MEETING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER HELD ON THE **25th DAY OF APRIL, 2016** AND WILL BE TAKEN UP FOR CONSIDERATION AS TO FINAL ADOPTION AT A PUBLIC HEARING OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER TO BE HELD ON THE **23rd DAY OF MAY, 2016** AT 7:30 P.M. AT THE TOWNSHIP HALL, TUCKAHOE, NEW JERSEY.

BY ORDER OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF UPPER.

BARBARA L. YOUNG, TOWNSHIP CLERK
TOWNSHIP OF UPPER

Legislative History:

Introduced: April 25, 2016

Publication: May 2, 2016

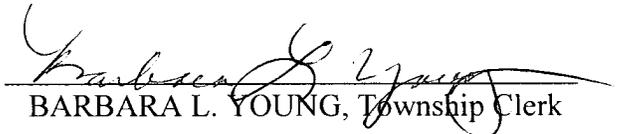
Newspaper(s): The Press of Atlantic City

Second Reading and Public Hearing: May 23, 2016

Final Adoption: May 23, 2016

Final Publication Date: May 26, 2016

I certify that the foregoing Ordinance was finally adopted by the Township Committee of the Township of Upper on May 23, 2016 and notice of adoption was thereafter published pursuant to law in the Press of Atlantic City on May 26, 2016.


BARBARA L. YOUNG, Township Clerk