

**BOROUGH OF ALLENTOWN
COUNTY OF MONMOUTH
STATE OF NEW JERSEY**

ORDINANCE NO. 3-2022

**AN ORDINANCE AUTHORIZING THE BOROUGH TO ENTER INTO A
DEED OF PERMANENT UTILITY EASEMENT WITH THE OWNERS OF
BLOCK 5, LOT 78, COMMONLY KNOWN AS 85 CHURCH STREET, FOR
THE MAINTENANCE OF UNDERGROUND UTILITY SERVICE LINES**

WHEREAS, the Borough of Allentown, 8 N. Main Street, Allentown, NJ 08501 (hereinafter, the "Borough"), is a municipal corporation of the State of New Jersey and is authorized, pursuant to N.J.S.A. 40A:12-5, to acquire easement interests in private property by Ordinance; and

WHEREAS, Alia B. Danch, Dawne K. Danch, and Samuel A. Danch are the titled owners of 85 Church Street, also known as Block 5, Lot 78 (the "Property"), whereunder said Property a portion of the Borough's public sewerage utility system is located, but currently not memorialized in any recorded interest that allows the Borough to enter said Property and maintain same; and

WHEREAS, the owners previously sought to connect the Property to the Borough's sewer utility through the aforementioned public utility service lines running through the Property; and

WHEREAS, at that time, by Resolution No. 256-2021, the Borough and the owners previously negotiated an appropriate permanent public utility easement in favor of the Borough to memorialize the Borough's right to maintain its public utility lines under the Property, in consideration for waiving the owners' fee for their new connection to the over all sewer system;

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Allentown, County of Monmouth, State of New Jersey, as follows:

1. That the Governing Body does hereby approve the Deed of Permanent Utility Easement attached hereto as Exhibit A; and
2. That the Mayor is hereby authorized to execute said Deed of Permanent Utility Easement on behalf of the Borough; and
3. That a certified copy of this Ordinance shall be forwarded to the Borough Administrator, Borough Engineer, and the Grantors.

BE IT FURTHER ORDAINED that any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance; and

BE IT FURTHER ORDAINED that, if any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

BE IT FURTHER ORDAINED that this Ordinance shall take effect immediately upon its passage and adoption according to law.



THOMAS C. FRITTS, Mayor

DATED: February 24, 2012

ATTEST:

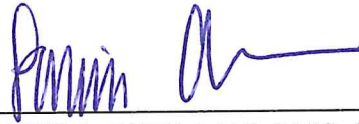


LAURIE A. ROTH, Administrator/Clerk

DATED: February 24, 2012

PUBLIC NOTICE

PLEASE TAKE NOTICE that the foregoing Ordinance was introduced and passed on first reading on the 8th day of February, 2022, at a meeting of the Mayor and Council of the Borough of Allentown and will be taken up for final consideration and passage at a regularly scheduled meeting of the Mayor and Council of the Borough of Allentown to be held on the 23rd day of February, 2022 at the Municipal Building, 8 N. Main Street, Allentown, NJ.



LAURIE A. ROTH, MAS, RMC, CMR
Municipal Administrator/Clerk