

AN ORDINANCE OF THE TOWNSHIP OF LAKEWOOD, COUNTY OF OCEAN, STATE OF NEW JERSEY, GRANTING AN ACCESS EASEMENT TO THE LAKEWOOD TOWNSHIP MUNICIPAL UTILITIES AUTHORITY FOR THE PURPOSE OF PROVIDING ACCESS TO THE LAKEWOOD TOWNSHIP MUNICIPAL UTILITIES AUTHORITY'S PROPERTY, WHERE A SOLAR PHOTOVOLTAIC FIELD IS BEING LOCATED OVER A PORTION OF LOT 1 IN BLOCK 549.02 ON THE TAX MAP OF LAKEWOOD TOWNSHIP, OCEAN COUNTY, NEW JERSEY.

WHEREAS, Lakewood Township has determined that the Lakewood Township Municipal Utilities Authority requires access to a solar photovoltaic field that is being located on Block 563, Lot 1, over the Township's property known as Lot 1 in Block 549.02; and

WHEREAS, the Township of Lakewood is granting an access easement on the property described on the attached "25'x25' Access Easement Over Lot 1 Block 549.02 for Benefit of Lot 1 Block 563" prepared by Stephen C. Martinelli, Land Surveying, L.L.C. April 21, 2017, incorporated by reference and made part of this Ordinance and shall be in the form approved by the Township Attorney; and

WHEREAS, the granting of easements requires the approval by Ordinance of the Township Committee pursuant to N.J.S.A. 40A:12-5 and N.J.S.A. 40A:12-13; and

WHEREAS, the Township Committee has determined that it is in the public interest to grant said easement for the purpose of permitting access over Lot 1, Block 549.02 on the Tax Map of the Township of Lakewood, Ocean County, New Jersey.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Township Committee of the Township of Lakewood, County of Ocean, State of New Jersey as follows:

Section 1. The Township of Lakewood, Ocean County, New Jersey, hereby grants, and the Mayor and Township Clerk are hereby authorized to execute, the following easement to the Lakewood Township Municipal Utilities Authority and the Township Attorney is hereby authorized to record the document with the Ocean County Clerk:

DEED OF UTILITY EASEMENT - An easement and a free, uninterrupted and unobstructed right of way in, under, across and over the property of Lakewood Township subject to the reserved future use of the property by Lakewood Township designated as a portion of Lot 1 in Block 549.02 on the Tax Map of Lakewood Township, Ocean County, New Jersey. This 25'x25' access easement and temporary construction easement is attached hereto and made part hereof and as shown on the drawing attached hereto as a "marked up" site plan prepared by EDA Engineering Design Associates, P.A. dated September 29, 2016, for the purpose of installing, constructing, maintaining, repairing, replacing and extending water and sewer pipe lines, mains, conduits, laterals and appurtenances thereto, and constructing any roadways, pavement, buildings and facilities which, in the sole determination of the Grantee may be reasonably related to the construction, service and maintenance of a solar photovoltaic field to be erected on Block 563, Lot 1 which is adjacent to the subject premises, and the further right to remove any improvements, trees, bushes, undergrowth and other obstructions, interfering with the location, construction, maintenance, repair, replacement or extension of said pipes, mains, conduits, facilities and appurtenances.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection, paragraph, sentence or any part of this Ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance not directly involved in the controversy in which such judgment shall have been rendered.

SECTION 4. This Ordinance shall take effect immediately upon final passage and publication as required by law.

NOTICE

PUBLIC NOTICE is hereby given that the foregoing Ordinance was introduced at a meeting of the Township Committee of the Township of Lakewood, in the County of Ocean and State of New Jersey on the **18th day of May, 2017**, and was then read for the first time. The said Ordinance will be further considered for final passage by the Township Committee in the Town Hall at 7:30 p.m. on **June 8, 2017**. At such time and place or any time or place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance.

Kathryn Hutchinson, RMC
Township Clerk