

**TOWNSHIP OF FRANKLIN
O-13-2018**

**ORDINANCE AUTHORIZING AND ACCEPTING DEDICATION OF A
LANDLOCKED PARCEL OF REAL PROPERTY KNOWN AS BLOCK 5702, LOT 59.38
ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF FRANKLIN AND
AUTHORIZING AND ACCEPTING AN ACCESS EASEMENT ACROSS THE
PROPERTY KNOWN AS BLOCK 5702, LOT 59.37 FOR ACCESS THERETO,
PURSUANT TO AND IN ACCORDANCE WITH THE TERMS OF A PREVIOUSLY
APPROVED SETTLEMENT OF CERTAIN BOND CALL LITIGATION**

WHEREAS, pursuant to Resolution No. R-63-18 adopted on April 24, 2018, the Township of Franklin ("Township") approved a settlement of certain consolidated bond call litigation entitled Township of Franklin v. Signature Homes, Inc., et. al. (bearing Docket No. GLO-L-1252-15) and Ronald Biglin, Jr. v. Deer Meadow at Franklin, Inc., a New Jersey Corporation and Does 1-10, inclusive (bearing Docket No. GLO-L-1485-15), as same related to the failure of the developers to complete certain bonded and non-bonded improvements within the residential subdivision known as Deer Meadow at Franklin; and

WHEREAS, pursuant to the terms of said settlement, the Township agreed to accept dedication from Deer Meadow at Franklin, Inc., a landlocked parcel of real property within the Township of Franklin known as Block 5702, Lot 59.38 on the Official Tax Map of the Township of Franklin (the "Property"), as same is described in Exhibit "A" attached hereto, which Property contains an existing drainage basin that services the Deer Meadow at Franklin development, for the public purpose of owning, maintaining, repairing, replacing and/or otherwise operating said drainage basin in furtherance of, and to ensure compliance with, the Township's overall stormwater management plan's goals, objectives and responsibilities; and

WHEREAS, also pursuant to the terms of said settlement, the Township agreed to accept dedication of an access easement from Deer Meadow at Franklin, Inc., across the real property known as Block 5702, Lot 59.37, a same is described in Exhibit "B" attached hereto, for the public purpose of creating in the Township a perpetual right of access to the Property in furtherance of the Township's future obligation to maintain, repair, replace and/or otherwise operate the aforementioned drainage basin (the "Access Easement"); and

WHEREAS, the Township Engineer has confirmed that the drainage basin is in good repair and working condition, ordinary wear and tear notwithstanding; and

WHEREAS, in accordance with the terms of said settlement, the Township and the property owner exchanged sufficient consideration in support of the dedication and acquisition of said property and/or property rights; and

WHEREAS, N.J.S.A. 40A:12-4 authorizes a municipality to acquire an easement interest in real property and N.J.S.A. 40A:12-5 authorizes a municipality to acquire ownership of real property, consistent with its authority to acquire privately-owned land for public purposes pursuant to the Local Land and Buildings Law, N.J.S.A. 40A:12-1 et seq., and the Township wishes to memorialize its authority to accept dedication and/or acquisition of the Property and Access Easement consistent with law and pursuant to this Ordinance; and

WHEREAS, the Mayor and Township Committee have deemed it in the best interest of the public health, safety and welfare to accept dedication of the Property and Access Easement as set forth herein.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Township Committee of the Township of Franklin, County of Gloucester and State of New Jersey as follows:

SECTION 1: The Township of Franklin hereby authorizes and accepts dedication of Block 5702, Lot 59.38, and further authorizes and accepts an access easement across Block 5702, Lot 59.37, for the public purposes stated herein.

SECTION 2: The Township Administrator, Solicitor and Special Projects Counsel, on behalf of the Mayor and Township Committee and other Township Officials, are hereby authorized to take all steps necessary and legally required to conclude and close the acquisition of the Property and

Access Easement, subject to the terms and conditions of the previously approved settlement and the terms and conditions set forth in this Ordinance.

SECTION 3: The Mayor of the Township is hereby authorized to execute all documents necessary to achieve the acceptance and/or acquisition of said Property and Access Easement as set forth herein, subject to the review and approval of the Township Solicitor and/or Special Projects Counsel.

SECTION 4: A true copy of the recorded deed and easement documents contemplated herein shall be maintained on file in the office of the Township Clerk.

SECTION 5: All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

SECTION 6: If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

SECTION 7: This Ordinance shall take effect immediately upon posting, publication, final passage in the manner prescribed by law.

Attest:

Township of Franklin

BARBARA FREIJOMIL, RMC

LEAH VASSALLO, MAYOR

CERTIFICATION

I, Barbara Freijomil, Clerk of the Township of Franklin, County of Gloucester, do hereby certify that the foregoing Ordinance was introduced at the reorganization meeting of the Township of Franklin held on November 27, 2018 and thereafter duly advertised in the legal newspaper of the Township at least ten (10) days prior to it being considered for final passage and adoption at a subsequent meeting to be held on December 27, 2018, at which time any person interested therein will be given an opportunity to be heard.

BARBARA FREIJOMIL, RMC
Township Clerk

Introduced : November 27, 2018

Name	Yes	No	Abstain	Absent

Adopted : December 27, 2018

Name	Yes	No	Abstain	Absent