

****ADOPTED AUGUST 2, 2021****

DELANCO TOWNSHIP

ORDINANCE 2021-14

**AUTHORIZING GRANT OF EASEMENT TO ALLOW FOR
INSTALLATION OF UTILITY LINE ACROSS BLOCK 500, LOT 1.01
AND TO THEREAFTER TRANSFER BLOCK 500, LOT 1.01
IN FEE TO THE RIVERS EDGE HOMEOWNERS' ASSOCIATION**

WHEREAS, the Township of Delanco has foreclosed on a piece of property at Block 500, Lot 1.01 (“the Property”), referred to as 2224 Burlington Avenue, which tax lien foreclosure judgment was issued by the Court on June 15, 2021, under Docket No. SWC F 001431-21; and

WHEREAS, the Township determined by way of review of prior development approvals associated with the Property that the developer of the Rivers Edge development on Burlington Avenue was required to dedicate the Property to the Rivers Edge Homeowners’ Association (“HOA”) as part of the approval and transition of that development; however, the developer never completed the transfer and is believed to have declared bankruptcy; and

WHEREAS, the above facts came to light following inquiry by a neighboring property owner, Alanzo White, owner of property at Block 500, Lot 1.03, at 2222 Burlington Avenue, which contains residential units, wherein Mr. White requested the ability to extend a sewer line across Lot 1.01 and requested assignment of the tax lien(s) associate with Lot 1.01 in order to control the property required for that extension; and

WHEREAS, the Township determined that the property ownership of Lot 1.01 was intended to be the HOA and desired to effectuate such final ownership, but in doing so, was also amenable to granting an easement to Mr. White in order to allow for the sewer line extension that motivated his request; and

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, et seq. permits the Township to authorize the easement and transfer herein.

NOW, WHEREFORE, BE IT HEREBY ORDAINED by the Township Committee of the Township of Delanco, County of Burlington, State of New Jersey that the Township hereby authorizes:

1. Upon payment of \$1,000.00 plus legal costs, the GRANT of an easement of such width as necessary across the front of Block 500, Lot 1.01 (the “Property”) to Alanzo White, owner of Block 500, Lot

1.03, which easement shall run along the right-of-way line of Burlington Avenue, and shall serve as a utility easement permitting sewer and such other utility lines as may be necessary or desirable to the service of Lot 1.03. This easement shall be non-exclusive; and

2. By way of donation, the GRANT of a deed in fee simple for the Property, subject to the above easement, to the Rivers Edge Homeowners' Association, in order to effectuate the ownership as originally intended by the development approvals for that development. This deed may contain a reservation of rights to access or other public rights as may be recommended by the Township Administrator, Township Engineer and/or the Township Public Works Department Supervisor with respect to any future access or long-term maintenance concerns; and

BE IT FURTHER ORDAINED that the Township Mayor, Administration, Clerk and Attorney are authorized and directed to prepare, execute and file with the County Clerk the Deed of Easement to Mr. White and the Deed in Fee Simple to the Rivers Edge Homeowners' Association in accord with the above, in that order, and to take such further steps and execute any and all other forms and documents as may be required in order to effectuate the intent and purpose of this Ordinance and the real estate transfer contemplated herein.