

CITY OF ABSECON

ORDINANCE 06-2015

**AN ORDINANCE AUTHORIZING THE GRANT OF RIGHT OF WAY
EASEMENT TO THE COUNTY OF ATLANTIC**

WHEREAS, AB Visions at Absecon, LLC, proposes to construct a 24-unit, non-age restricted housing project along Pitney Road in the City of Absecon; and

WHEREAS, AB Visions at Absecon, LLC, assigned all of the approvals obtained to Visions at Absecon Affordable Housing, LLC; and

WHEREAS, the proposed project received all prerequisite approvals from the City of Absecon, including Planning Board approval; and

WHEREAS, as part of the County approval process, the County Planning Board required that a traffic control signal be placed at the intersection of Pitney Road and Crestview Avenue; and

WHEREAS, due to the requirement for placing said traffic signal a right of way easement was requested by the Atlantic County Planning Board; and

WHEREAS, the right of way easement area is shown on the attached drawing prepared by William P. McManus, Professional Land Surveyor, of the firm of Duffy, Dolcy, McManus and Roesch; and

WHEREAS, the legal description of the right of way area is set forth in the meets and bounds description prepared by said William P. McManus, Professional Land Surveyor; and

WHEREAS, the drawing and meets and bounds description are specifically incorporated into this Ordinance by this reference; and

WHEREAS, the Council of the City of Absecon is desirous of granting said right of way easement for the purpose of construction of the traffic signal.

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Absecon, New Jersey, as follows:

1. The County of Atlantic is hereby granted a right of way easement as depicted and described in the Exhibits attached hereto and made a part hereof by William P. McManus, Professional Land Surveyor.

BE IT FURTHER RESOLVED that the right of way is granted solely in conjunction with the placement of a traffic signal at the intersection of Pitney Road and Crestview Avenue and that the grant of this right of way easement shall become void *ab initio* if the traffic signal is not erected or is removed in the future.

SEVERABILITY

If any section of part of this Ordinance is deemed to be invalid or illegal by any Court or other body of competent jurisdiction, then said part is severable from this Ordinance and the remaining sections or parts of this Ordinance shall remain in full force and effect.

EFFECTIVE DATE

This Ordinance shall become effective upon passage and publication pursuant to law.

REPEALER

Any Ordinance or section thereof inconsistent with this Ordinance shall be repealed.

Dated: June 18, 2015

Signed: 
John R. Armstrong, Mayor

Attest: 
Carie A. Crone, RMC, Municipal Clerk

Passed on first reading at a regular meeting of the Municipal Council held on June 4th, 2015. Laid over and advertised for public hearing and final adoption on June 18th, 2015. Notice is hereby given that the foregoing Ordinance was approved for final adoption by the Municipal Council of the City of Absecon at a regular meeting held on June 18th, 2015.