

ORDINANCE NO. 18-2024

ORDINANCE OF THE CITY OF MILLVILLE, IN THE COUNTY OF CUMBERLAND, NEW JERSEY AUTHORIZING THE EXECUTION OF A CROSS ACCESS EASEMENT AGREEMENT BETWEEN THE CITY AND 416 15TH ST S LLC FOR A PORTION OF PROPERTY IDENTIFIED AS BLOCK 489, LOT 4 AND MORE COMMONLY KNOWN AS 416 S. 15TH STREET, AND RESCINDING ORDINANCE NO. 14-2024

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*, as amended and supplemented (the "**Redevelopment Law**"), provides a process for municipalities to participate in the redevelopment and improvement of areas designated by the municipality as areas in need of redevelopment and/or rehabilitation; and

WHEREAS, in accordance with the Redevelopment Law, 416 15TH ST S LLC (the "**Redeveloper**") proposes to purchase approximately 5.274 acres of land identified as a portion of Block 489, Lot 4 (proposed Lot 4.01) on the Tax Map of the City, more commonly known as 416 S. 15th Street (the "**Redeveloper Property**") from the City and to redevelop the Redeveloper Property to provide for lighting improvements, security enhancements, storage optimization, insulation repair, and workstation installation (collectively, the "**Project**"); and

WHEREAS, the City will retain the balance of Block 489, Lot 4 (Proposed Lot 4) (the "**City Property**" and together with the Redeveloper Property, the "**Property**") following the sale of the Redeveloper Property to the Redeveloper; and

WHEREAS, the City and the Redeveloper desire to create a perpetual, non-exclusive easement for cross access and related rights (the "**Cross Access Easement**"), which shall be governed by a cross access easement agreement (the "**Cross Access Easement Agreement**"); and

WHEREAS, to that objective, the City adopted Ordinance No. 14-2024 on March 19, 2024, authorizing the execution of the Cross Access Easement Agreement; and

WHEREAS, despite the adoption of Ordinance No. 14-2024, the City and the Redeveloper have further negotiated a revision regarding the size of the Cross Access Easement, which shall be reflected in the Cross Access Easement Agreement attached hereto as **Exhibit A**, which shall include a revised survey including the description of the Property; and

WHEREAS, the Cross Access Easement and the Cross Access Easement Agreement will allow for the free flow of vehicular traffic between the Redeveloper Property and the City Property; and

WHEREAS, the City has determined that in furtherance of the City's goals and objectives contemplated in the Redevelopment Agreement and the Redevelopment Plan, the Commission hereby approves and wishes to enter into the Cross Access Easement Agreement, attached hereto as **Exhibit A**; and

WHEREAS, the execution of the Cross Access Easement Agreement shall be contingent on the Redeveloper and the City completing the sale of the Redeveloper Property.

NOW, THEREFORE BE IT ORDAINED by the Board of Commissioners of the City of Millville, as follows:

Section One

The aforementioned recitals are incorporated herein as though fully set forth at length.

Section Two

Ordinance No. 14-2024 is hereby rescinded and renders such Ordinance null and of no further effect.

Section Three

The Commission hereby authorizes the Mayor or Vice-Mayor to execute, and the City Clerk to attest, the Cross Access Easement Agreement, in substantially the same form as attached hereto as **Exhibit A** with such additions, deletions and modifications as may be necessary after consultation with the City's professional consultants and the Redeveloper.

Section Four

The Commission hereby authorizes the Mayor or Vice-Mayor to execute the Cross Access Easement Agreement, in substantially the same form hereto as **Exhibit A** with such additions, deletions and modifications as may be necessary after consultation with the City's professional consultants.

Section Five

If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

Section Six

This Ordinance shall take effect twenty (20) days after final passage, according to law.

FIRST READING: April 2, 2024

Moved By: Sooy
 Seconded By: Hewitt

<u>VOTING</u>	<u>In Favor</u>	<u>Against</u>	<u>Abstain</u>	<u>Absent</u>
Benjamin J. Romanik	X			
Joseph Sooy	X			
C. Kirk Hewitt	X			
Stephen E. Watson, Jr.	X			

SECOND READING: April 16, 2024

Moved By: Hewitt
 Seconded By: Sooy

<u>VOTING</u>	<u>In Favor</u>	<u>Against</u>	<u>Abstain</u>	<u>Absent</u>
Benjamin J. Romanik	X			
Joseph Sooy	X			
C. Kirk Hewitt	X			
Stephen E. Watson, Jr.	X			

CERTIFICATION

I certify that the foregoing is a true copy of an Ordinance adopted by the Board of Commissioners, of the City of Millville in the County of Cumberland, at a meeting thereof held on April 16, 2024.


 Jeanne M. Parkinson, City Clerk

<u>PROCEDURE</u>	
Approved on First Reading:	April 2, 2024
Published:	April 6, 2024
Approved on Second Reading:	April 16, 2024
Published:	April 20, 2024
Effective Date	May 10, 2024