

**Township of Lawrence
County of Mercer**

Ordinance No. 2171-14

**ORDINANCE AUTHORIZING AN AMENDMENT TO A CERTAIN RIGHT-OF-WAY
LOCATED ON MERCER MALL PROPERTY AND CONNECTING TO MORRELL
ROAD IN THE TOWNSHIP OF LAWRENCE,
COUNTY OF MERCER, STATE OF NEW JERSEY**

WHEREAS, by Agreement of Right-of-way, dated September 11, 1980 (the "ROW Agreement"), recorded in Deed Block 2176, Page 569, Mercer Mall Property Group, LP granted to Yorkshire Village, LLC (as successor to Lawrence Windsor Associates), the right to construct a roadway across the portion of the Mercer Mall property described in a legal description included as part of the ROW Agreement and identified as the First Easement Area in the ROW Agreement (the "First Easement Area"); and

WHEREAS, by Amendment to Drainage Agreement and Supplemental Access Agreement, dated November 1, 1995, recorded in Deed Book 3033, Page 235 (the "First Amendment"), by and between Yorkshire Village, LLC and Mercer Mall Property Group, LP, the parties amended the ROW Agreement by, among things, limiting vehicular access through the First Easement Area to emergency access only; and

WHEREAS, the emergency access was contemplated to run across a designated area on the Mercer Mall property between Morrell Road and an area identified in the ROW Agreement as the "Second Easement Area", then across Block 5201, Lot 35, out to Route 1; and

WHEREAS, Morrell Road has since been dedicated by Yorkshire Village, LLC to Lawrence Township; and

WHEREAS, the Township has received a request to amend the First Easement Area, as defined in the ROW Agreement, to a blanket easement across portions of the Mercer Mall property in lieu of the metes and bounds description referenced in the ROW Agreement; and

WHEREAS, the Township notified Yorkshire Village, LLC and Yorkshire Village Master Association, Inc., as to this proposed Second Amendment to the ROW Agreement; and

WHEREAS, the Township Council of the Township of Lawrence has determined that the public interest will be best served by amending this portion of said easement area and amending the public rights in and to such easement area; and

NOW, THEREFORE, BE IT OBTAINED by the Township Council of the Township of Lawrence, County of Mercer, State of New Jersey, that:

- I. That the Township, as successor to Yorkshire Village, LLC, as to the ownership of Morrell Road, desires to amend the First Easement Area to provide a blanket emergency access easement across paved portions of Block 5201, Lots 32 and 45 (as such areas may be modified from time to time by owner(s) of such lots), between**

Morrell Road and the Second Easement Area (which is located on Block 5201, Lot 35), in lieu of a metes and bounds description referenced in the ROW Agreement.

- II. Any and all public rights the ROW Agreement are hereby amended, released and extinguished as particularly described in that certain Second Amendment to right of Way Agreement, a copy of which is attached hereto as Exhibit A (the "Second Amendment").**
- III. To effectuate such amendment, the Township of Lawrence is hereby authorized to execute the Second Amendment and deliver it to Federal Realty Investment Trust to record with the Mercer County Clerk.**

Repealer

All ordinances or parts of same inconsistent with any of the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Severability

If any section, paragraph, sentence, clause or phrase of this ordinance shall be declared invalid for any reason, the remaining portions of this ordinance shall not be affected thereby and shall remain in full force and effect.

Notification

Immediately upon adoption of this ordinance, the Municipal Clerk shall file a copy of this ordinance with the Mercer County Clerk as required by law.

Effective Date

This ordinance shall take effect twenty (20) days after final adoption thereof.

Adopted: February 18, 2014

RECORD OF VOTE

COUNCIL	AYE	NAY	PRESENT	ABSENT	ABSTAIN	MOVE	SECOND
Mr. Brame	X						X
Mr. Kownacki				X			
Dr. Maffei				X			
Mr. Powers	X					X	
Mayor Lewis	X						