

**ORDINANCE NO. 3897-10**

**AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, AUTHORIZING THE ACCEPTANCE OF DEEDS AND EASEMENTS FROM BLACKSTONE GROUP, LLC TO TOWNSHIP OF FRANKLIN FOR PREMISES KNOWN AS BLOCK 234, LOTS 5.01; 5.02; 5.03 & 5.06.**

**SUMMARY**

An Ordinance authorizing the acceptance of an easements from Blackstone Group, LLC, for deed of access and maintenance of easement for detention basin for Block 234, Lots 5.01; 5.02 & 5.03 and deeds of sight easement as to a portion of Block 234, Lots 5.01 & 5.06.

**WHEREAS**, Blackstone Group, LLC with offices at 45 North Gaston Avenue, Suites 2A and 2B, Somerville, New Jersey 08878 is the owner of a tract of land located at Franklin Blvd. and Norma Avenue in the Township of Franklin and designated on the tax map of the Township of Franklin as Block 234, Lots 3-7 (“the Property”); and,

**WHEREAS**, Blackstone received preliminary and final major subdivision approval from the Planning Board of the Township of Franklin for six residential building lots on the property, together with associated Variance and design waivers; and,

**WHEREAS**, in accordance with the provision of the Planning Board approval and the State residential site improvement standards the Township of Franklin is required to accept dedication of all similar detention facility with the understanding that the Township will be solely responsible for the maintenance of the tension basin; and,

**WHEREAS**, Section 112-198 of the Franklin Township Development Ordinance provides that upon acceptance of such Stormwater Drainage Facilities and payment by the Developer to the Township of the funds required by the Ordinance to be utilized for perpetual maintenance of the Stormwater Drainage Facilities, the Township shall be solely responsible for the perpetual maintenance of the said Stormwater Drainage Facilities; and

**WHEREAS**, the Township of Franklin has accepted Fifteen Thousand Dollars (\$15,000.00) for the purposes of offsetting costs related to the maintenance of the detention basin and to satisfy all Blackstone obligations pursuant to the Ordinances of the Township of Franklin as per Resolution #06-204 adopted on May 23, 2006;

**WHEREAS**, the conveyance and/or acceptance of said real property requires the approval by Ordinance of the Township Council pursuant to NJSA 40A:12-5; and

**WHEREAS**, the Township Council has determined that it is in the public interest to accept said easements from the Developer;

**NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED** by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey as follows:

**SECTION I**

(1) The Developer has granted and conveyed to the Township, its agents, successors and assigns, forever, a continuous and perpetual right of ingress and egress, right of entry, access, and drainage easement, through, over, upon, and across Lots 5.01 – 5.03 in Block 234 and a portion of Lot 5.06 in Block 234 in the Township of Franklin, County of Somerset and State of New Jersey (hereinafter referred to as the “Easement Area”) and described as follows: Schedule “A” attached hereto and made a part hereof.

(2) The Township hereby agrees to properly maintain the Stormwater Detention Basins to insure said facilities function and to protect them from degradation or removal.

## **SECTION II**

Each clause, section or subsection of this ordinance shall be deemed a separate provision to the intent that if any such clause, section or subsection should be declared invalid, the remainder of the ordinance shall not be affected.

## **SECTION III**

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

## **SECTION IV**

This ordinance shall take effect immediately upon adoption and publication according to law.

### **ORDINANCE NO. 3897-10**

This is a true copy of an ordinance adopted by the Township Council Township of Franklin, Somerset County, New Jersey.

Introduced: August 10, 2010  
Public Hearing: September 14, 2010  
Adoption: September 14, 2010  
Notice of Adoption: September 21, 2010  
Effective Date: October 4, 2010

---

Ann Marie McCarthy, Township Clerk