

**ORDINANCE NO. 3715**

**AN ORDINANCE THE TOWNSHIP OF FRANKLIN, SOMERSET COUNTY GRANTING AN EASEMENT TO PATRIOT MEDIA AND COMMUNICATIONS, FOR THE PROVISION OF CERTAIN BROADBAND COMMUNICATIONS SERVICES TO BLOCK 417.01/LOT 5.04 ALSO KNOWN AS 485 DEMOTT LANE, SOMERSET.**

**SUMMARY**

An ordinance granting an easement to Patriot Media and Communications for the provision of certain broadband communications services to Block 417.01, Lot 5.04 also known as 485 DeMott Lane.

**WHEREAS**, the granting of easements requires the approval by Ordinance of the Township Council pursuant to **NJSA 40A:12-5**;

**WHEREAS**, Patriot Media and Communications (“Grantee”) and the Township of Franklin (“Grantor”) are parties to a Services Agreement dated August 1, 2007, pursuant to which the Grantee provides certain broadband communications services to Block 417.01, Lot 5.04 also known as 485 DeMott Lane, Somerset, NJ 08873 which is owned by the Grantor ; and,

**WHEREAS**, in consideration of one dollar (\$1.00), Grantor(s), owner(s) of the aforesaid property, desires to grant(s) to Grantee, its successors and assigns, an easement in gross and right-of-way to construct, use, maintain, operate, alter, add to, repair, replace, reconstruct, inspect and remove at any time and from time to time a broadband communications system (hereinafter referred to as the “System”) consisting of wires, underground conduits, cables, pedestals, vaults, and including but not limited to above ground enclosures, markers and concrete pads or other appurtenant fixtures and equipment necessary or useful for distributing broadband services and other like communications ,in, on, over, under, across and along that certain real property (the “Property”) located in the County of Somerset, State of New Jersey described as follows: Block 417.01, Lot 5.04 also known as 485 DeMott Lane, Somerset, NJ 08873; and

**WHEREAS**, the Grantor(s) agree for themselves and their heirs and assigns that the System on the Property shall be and remain the personal property of the Grantee and may not be altered, obstructed or removed without the express written consent of the Grantee; and

**WHEREAS**, the Grantee and its contractors, agents and employees, shall have the right to trim or cut trees and/or roots which may endanger or interfere with said System and shall have free access to said System and every part thereof, at all times for the purpose of exercising the rights herein granted: provided, however, that in making any excavation on said Property of the Grantor, the Grantee shall make the same in such manner as will cause the least injury to the surface of the ground around such excavation, and shall replace the earth so removed by it and restore the area to as near the same condition as it was prior to such excavation as is practical; and

**WHEREAS**, said easement shall run along with the land for so long as Grantee, its successors or assigns provides broadband service to said Property;

**WHEREAS**, the Township Council has determined that it is in the public interest to grant said easement for the purpose of providing certain broadband communications services to Block 417.01, Lot 5.04 also known as 485 DeMott Lane, Somerset, NJ 08873; and

**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**

That the Township grants the following easement to Patriot Media and Communications and the Township Attorney is hereby authorized to record the documents tendered by the Grantor with the Somerset County Clerk:

**EASEMENT- BLOCK 417.01, LOT 5.04** - An easement on property designated as Block 417.01, Lot 5.04 shall be in the form approved by the Township Attorney; incorporated by reference and made part of this ordinance. The purpose of said easement shall be for the purpose providing certain broadband communications services to Block 417.01, Lot 5.04 also known as 485 DeMott Lane, Somerset, NJ 08873.

**SECTION II**

Each clause, section of 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.

**BE IT FURTHER ORDAINED** that this Ordinance shall take effect following adoption and publication in a time and manner prescribed by law.

**ORDINANCE NO. 3715**

Introduced: August 14, 2007  
Public Hearing: September 18, 2007  
Adoption:  
Notice of Adoption:  
Effective Date:

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Ann Marie McCarthy, Township Clerk