

**TOWNSHIP OF PEMBERTON**  
**ORDINANCE NO. 7 – 2014**

**AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON  
AUTHORIZING THE TOWNSHIP TO OBTAIN TEMPORARY  
CONSTRUCTION EASEMENTS AND PERMANENT DAM  
EASEMENTS ON PORTIONS OF CERTAIN PRIVATE PROPERTIES  
IN THE TOWNSHIP AS PART OF THE RECONSTRUCTION OF THE  
COUNTRY LAKES DAMS**

**WHEREAS**, pursuant to the Local Land and Buildings Law, N.J.S.A. 40A:12-1 et seq., the Township of Pemberton (the "Township") has the power to acquire any real property, or any interest therein, by purchase or other authorized means; and

**WHEREAS**, the Township is undertaking a project to reconstruct the Country Lakes Dams located within the Township (the "Project"); and

**WHEREAS**, the Project will require construction on or near several private properties located within the Township, thereby necessitating the Township to acquire both temporary construction easements as well as permanent dam easements on these properties; and

**WHEREAS**, the Township Engineer has recommended that the Township acquire temporary construction easements for a portion of each of the following properties, each easement area being more particularly defined and set forth in each "Description of Property" which are attached as Exhibit A and made part hereof:

1. 214 Choctaw Drive, Block 636, Lot 1, owned by Daniel and Linda Fenimore;
2. 47 Wild Geese Circle, Block 672, Lot 2, owned by John Heirzenroeder;
3. 2 Tensaw Drive, Block 644, Lot 1, owned by Jerome and Elizabeth Richardson;
4. 301 Choctaw Drive, Block 671, Lot 1, owned by Joseph Threats;
5. 49 Wild Geese Circle, Block 672, Lot 1, owned by Bryan and Tracy Appleba;
- and
6. 98 Split Rock Road, Block 671, Lot 28.01, owned by Eric J. Yoast and Duayna D. Yoast.

**WHEREAS**, the Township desires to acquire the six temporary construction easements set forth above, for a period of six (6) months or until such use is no longer required, as a means of facilitating the prompt completion of the Project; and

**WHEREAS**, following negotiations, the Township and each of the property owners have agreed that the amount of \$1.00 be paid by each owner as consideration of the granting of the temporary construction easements; and

**WHEREAS**, the Township Engineer has also recommended that the Township acquire permanent dam easements for a portion of each of the following properties, each easement area being more particularly defined and set forth in each "Description of Property" which are attached as Exhibit B and made part hereof:

1. 2 Tensaw Drive, Block 644, Lot 1, owned by Jerome and Elizabeth Richardson;
2. 301 Choctaw Drive, Block 671, Lot 1, owned by Joseph Threats;
3. 49 Wild Geese Circle, Block 672, Lot 1, owned by Bryan and Tracy Appleba;
- and
4. 98 Split Rock Road, Block 671, Lot 28.01, owned by Eric J. Yoast and Duayna D. Yoast.

**WHEREAS**, following negotiations, the Township and each of the property owners have agreed that the amount of \$1.00 be paid by each owner as consideration of the granting of the permanent dam easements.

**NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED**, by the Township Council of the Township of Pemberton, County of Burlington and State of New Jersey that the acquisition by purchase of the aforementioned temporary construction easements and the permanent dam easements are hereby authorized for an amount not to exceed one dollar (\$1.00) each; and

**BE IT FURTHER ORDAINED**, that the Mayor is authorized to execute each Deed of Temporary Construction Easement attached hereto as Exhibit C and any other necessary documents, in a form approved by the Township Solicitor, in order to acquire the temporary construction easements; and

**BE IT FURTHER ORDAINED**, that the Mayor is authorized to execute each Deed of Permanent Dam Easement attached hereto as Exhibit D and any other necessary documents, in a form approved by the Township Solicitor, in order to acquire the permanent dam easements; and

**BE IT FURTHER ORDAINED**, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

**BE IT FURTHER ORDAINED**, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

**BE IT FURTHER ORDAINED**, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

**PEMBERTON TOWNSHIP COUNCIL**

**TOWNSHIP OF PEMBERTON**  
**ORDINANCE NO. 7 – 2014**

**NOTICE OF PUBLIC HEARING**

**AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON  
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The foregoing Ordinance was introduced and passed on first reading by the governing body of Pemberton Township at a meeting held on June 18, 2014 and will be considered for final passage after a public hearing at a meeting of the said governing body to be held on July 16, 2014 at the Pemberton Township Municipal Building, 500 Pemberton-Browns Mills Road, Pemberton, New Jersey, at 6:30 p.m. prevailing time, at which time any interested member of the public may comment on said Ordinance. During the week prior to and up to and including the date of such meeting or further consideration, copies of said Ordinance in its entirety may be obtained from the Township Clerk.

ATTEST:

  
AMY P. COSNOSKI, RMC, TOWNSHIP CLERK

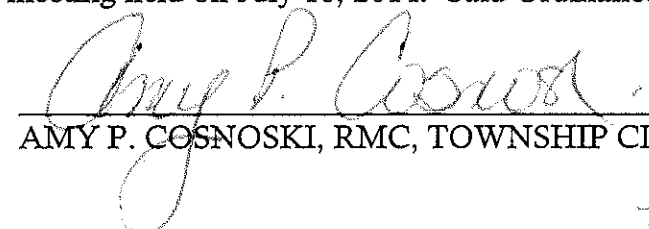
**TOWNSHIP OF PEMBERTON**  
**ORDINANCE NO. 7 – 2014**

**NOTICE OF FINAL PASSAGE**

**AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON  
AUTHORIZING THE TOWNSHIP TO OBTAIN TEMPORARY  
CONSTRUCTION EASEMENTS AND PERMANENT DAM  
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Notice is hereby given that Ordinance No. 7-2014 as entitled above has been finally adopted on final reading by the governing body of Pemberton Township after a public hearing, at a meeting held on July 16, 2014. Said Ordinance shall take effect in accordance with law.

ATTEST:

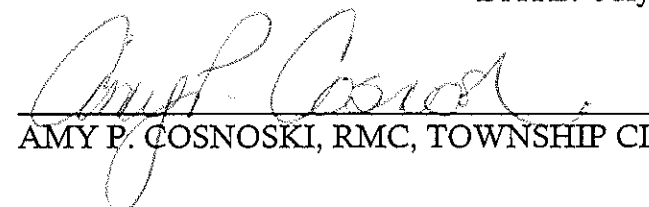
  
AMY P. COSNOSKI, RMC, TOWNSHIP CLERK

ACKNOWLEDGEMENT OF APPROVAL BY MAYOR

  
David A. Patriarca

DATE: July 17, 2014

ATTEST:

  
AMY P. COSNOSKI, RMC, TOWNSHIP CLERK