

**AN ORDINANCE TO GRANT AN EASEMENT INTO THE CITY OF NEW BRUNSWICK'S
RIGHT-OF-WAY ON LIVINGSTON AVENUE, BLOCK 12, LOT 24.01**

BE IT ORDAINED by the New Brunswick City Council as follows:

SECTION I

City Council finds and determines as follows:

- a) The State Theatre Regional Arts Center at New Brunswick, Inc. is the owner of certain real property designated as Block 12, Lot 24.01, as shown on the City of New Brunswick Municipal Tax Map, and otherwise known as 15 Livingston Avenue, New Brunswick, New Jersey;
- b) The City of New Brunswick is the owner of certain right-of-way lands which are immediately adjacent to The State Theatre Regional Arts Center at New Brunswick, Inc. property on Livingston Avenue in the City of New Brunswick, New Jersey;
- c) As depicted by the plans prepared by Langan Engineering and Environmental Services, Inc. dated August 12, 2020, and the plans of DLR Group, sheets A5.1 and A5.2 dated December 4, 2020, The State Theatre Regional Arts Center at New Brunswick, Inc. proposes installation of a "blade" sign which along with the existing marquee sign encroach into the City's Livingston Avenue right-of-way;
- d) The State Theatre Regional Arts Center at New Brunswick, Inc. has requested that the City of New Brunswick convey a permanent easement into a portion of the City's right-of-way on Livingston Avenue as a result of the encroachment onto the City of New Brunswick property as depicted on the Langan Engineering and Environmental Services, Inc. plan dated August 12, 2020; and
- e) The City Council has determined it is in the best interests of the residents of the City to provide the easement to The State Theatre Regional Arts Center at New Brunswick, Inc.

SECTION II

The Mayor and City Clerk are authorized to execute and attest a Deed of Easement to The State Theatre Regional Arts Center at New Brunswick, Inc. for an easement into the City's right-of-way at 15 Livingston Avenue in the City of New Brunswick as set forth in the plans of Langan Engineering and Environmental Services, Inc. dated August 12, 2020 and DLR Group, sheets A5.1 and A5.2 dated December 4, 2020. The form of Deed to be approved by the City Attorney.

SECTION III

SEVERABILITY:

If any subsection, paragraph or provision of this Ordinance is declared to be invalid by a court of competent jurisdiction such finding shall not affect the remaining provisions hereof which shall remain in full force and effect.

SECTION IV

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION V

EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and publication as required by law.

I, Leslie R. Zeldin, City Clerk of the City of New Brunswick, NJ, do hereby certify the foregoing Ordinance is a true copy of the Original Ordinance adopted on second and final reading at a regular meeting of the New Brunswick City Council at its meeting on FEBRUARY 3, 2021.
Leslie R. Zeldin
 Leslie R. Zeldin, City Clerk
 Any reproduction of the Original Ordinance must contain the raised seal of the City of New Brunswick to be legally certified.

ADOPTED ON FIRST READING
 DATED: January 20, 2021

Stephan M. Moore Jenkins
 COUNCIL PRESIDENT

ADOPTED ON SECOND READING
 DATED: February 3, 2021

Stephan M. Moore Jenkins
 COUNCIL PRESIDENT

ATTEST:

Leslie R. Zeldin
 CITY CLERK

APPROVAL OF THE MAYOR ON THIS 4th DAY OF February 2021.

James M. Cahill
 MAYOR

APPROVALS:

[Signature]
 CITY ADMINISTRATOR

[Signature]
 CITY ATTORNEY

TKS/kc

COUNCIL MEMBER	Y	N	AB	ESCORTED	SECRETARY	PRESENT	Y	N	AB	ESCORTED	SECRETARY	PRESENT
ANDERSON												
FLANNERY												
FLEMING												

COUNCIL MEMBER	Y	N	AB	ESCORTED	SECRETARY	PRESENT	Y	N	AB	ESCORTED	SECRETARY	PRESENT
ANDERSON												
FLANNERY												
FLEMING												

FIRST READING VOTE ON JANUARY 20, 2021: Y= YES, N= NO, AB= ABSENT, ESC= ESCORTED, SEC= SECRETARY, PRE= PRESENT