

**AN ORDINANCE TO GRANT AN EASEMENT INTO THE CITY OF NEW BRUNSWICK'S RIGHT-OF-WAY ON DUKE STREET**

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

**SECTION I**

City Council finds and determines as follows:

- a) Duke Street Detox, LLC is the owner of certain real property designated as Lot 49.01, Block 62, as shown on the City of New Brunswick Municipal Tax Map, and otherwise known as 23 Duke Street, New Brunswick, New Jersey;
- b) The City of New Brunswick is the owner of certain right-of-way lands which is immediately adjacent to the Duke Street Detox, LLC property along Courtlandt Street in the City of New Brunswick, New Jersey;
- c) As depicted by the survey prepared by Braginsky Surveying, LLC, dated December 11, 2017, the building located on the Duke Street Detox, LLC property encroaches approximately 0.98 feet Southeast onto Courtlandt Street within the City of New Brunswick right- of- way;
- d) Duke Street Detox, LLC has requested that the City of New Brunswick convey a permanent easement across a 0.98 feet portion of the City's right-of-way as a result of the encroachment onto the City of New Brunswick property; and
- e) The City Council has determined it is in the best interests of the residents of the City to provide the easement to Duke Street Detox, LLC as it will help facilitate development related activities to operate the existing building as a healthcare facility.

**SECTION II**

The Mayor and City Clerk are authorized to execute and attest a Deed of Easement to Duke Street Detox, LLC for easement into the City's right-of-way at Courtlandt Street in the City of New Brunswick as set forth in the Legal description attached hereto to Duke Street Detox, LLC. The form of Deed is 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All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.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.

ADOPTED ON FIRST READING  
 DATED: *August 15, 2018*

  
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 COUNCIL PRESIDENT

COUNCIL MEMBER	Y	N	AB	NV	AB
MURPHY, V.P.	X				X
EGAN, M	X				X
ESQUIER	X				X

COUNCIL MEMBER: COUNCIL MEMBER, S= SECOND, NV= NO VOTE, AB= ABSENT  
 M= MOVED

FIRST READING VOTE ON AUGUST 15, 2018

ADOPTED ON SECOND READING  
DATED:

\_\_\_\_\_  
COUNCIL PRESIDENT

ATTEST:

\_\_\_\_\_  
CITY CLERK

APPROVAL OF THE MAYOR ON THIS DAY OF \_\_\_\_\_, 2018.

\_\_\_\_\_  
MAYOR

APPROVALS:

\_\_\_\_\_  
CITY ADMINISTRATOR

\_\_\_\_\_  
CITY ATTORNEY