

**TOWNSHIP OF CRANBURY  
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY**

**Cranbury Township Ordinance 08-09-16**

**AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, RELEASING THE TOWNSHIP'S RIGHT TO AN EASEMENT ON PROPERTY SITUATED ON MAPLEWOOD AVENUE AND DESIGNATED AS BLOCK 32, LOT 17, OWNED BY NEW JERSEY-AMERICAN WATER COMPANY.**

**WHEREAS**, on April 19, 1993, the Township of Cranbury ("Cranbury") conveyed property designated as Block 32, Lot 17 on the Cranbury Township Tax Maps ("Property") to Elizabethtown Water Company ("Elizabethtown"), as part of a larger transaction transferring ownership of Cranbury's water utility assets to Elizabethtown; and

**WHEREAS**, a water tower was situated on the Property and included in the sale to Elizabethtown; and

**WHEREAS**, Cranbury, as part of the sale to Elizabethtown and memorialized in paragraph 19 of the Agreement for Sale, which was made a part of the Bill of Sale and survived closing, retained the right to maintain a siren, radio equipment, and antennas on the water tower for fire, first aid, and/or police purposes so long as the water tower was standing; and

**WHEREAS**, Cranbury, also as part of the sale to Elizabethtown and also memorialized in paragraph 19 of the Agreement for Sale, which was made part of the Bill of Sale and survived closing, retained the right to an easement on the Property to erect a pole to house the siren, radio equipment, and antennas should Elizabethtown dismantle the water tower; and

**WHEREAS**, Cranbury has maintained a fire siren on the water tower on the Property for the Cranbury Volunteer Fire Company ("Fire Company") since the sale of the water utility assets to Elizabethtown; and

**WHEREAS**, New Jersey-American Water Company ("NJ-American") has succeeded Elizabethtown in the ownership of Cranbury's water utility assets; and

**WHEREAS**, NJ-American has dismantled the water tower; and

**WHEREAS**, as a result, Cranbury now has the right to request that NJ-American execute an easement to allow Cranbury to erect a pole on the Property for the purpose of housing the fire siren formerly located on the water tower; and

**WHEREAS**, the Fire Company has recommended that instead, the fire siren be placed on property owned by Cranbury and used by the Fire Company; and

**WHEREAS**, accordingly, in light of the Fire Company's preference and recommendation, the right to the easement is no longer required for a public purpose; and

**WHEREAS**, NJ-American is desirous of being released from its obligation to provide Cranbury with the easement and is willing to donate \$15,000.00 to the Fire Company toward the cost of purchasing and installing a new fire siren on property owned by Cranbury and used by the Fire Company; and

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Cranbury in the County of Middlesex, State of New Jersey as follows:

1. Cranbury Township's right to an easement to erect a pole on the Property for the placement of the fire siren, retained as part of the sale of its water utility assets to Elizabethtown Water Company and memorialized in paragraph 19 of the Agreement for Sale, which was made a part of the Bill of Sale and survived closing, is hereby released. New Jersey-American Water Company, successor-in-interest to Elizabethtown Water Company, is no longer obligated to provide Cranbury Township with an easement over the Property.
2. This Ordinance releasing the right to an easement shall be posted on the official bulletin board in the Township municipal building and a public notice or advertisement shall be submitted for publication to the official newspaper of the Township of Cranbury within five days following the passage of this ordinance.
3. The Mayor, Township Clerk, and any other Township staff or official is hereby authorized to prepare and execute any and all documents required to effectuate the terms of this Ordinance.
4. This ordinance shall take effect upon its passage and publication as required by law.

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Committee of the Township of Cranbury, in the County of Middlesex, State of New Jersey, held on August 24, 2009. It will be further considered for final passage, after public hearing thereon, at a meeting of the Township Committee to be held in the meeting room of Town Hall, 23A North Main Street, in the Township of Cranbury on September 14, 2009 at 7 p.m., and during the week prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's Office to the members of the general public who shall request the same.

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Kathleen R. Cunningham, RMC  
Township Clerk