

**BOROUGH OF HIGHLAND PARK  
ORDINANCE NO. 20-2007**

**ORDINANCE OF THE BOROUGH COUNCIL OF THE  
BOROUGH OF HIGHLAND PARK, COUNTY OF  
MIDDLESEX, NEW JERSEY, AUTHORIZING  
ACCEPTANCE OF A NON-EXCLUSIVE EASEMENT OVER  
BLOCK 183, LOT 24 AS SHOWN ON THE OFFICIAL TAX  
MAP OF THE BOROUGH OF HIGHLAND PARK,  
PURSUANT TO N.J.S.A. 40A:12-1 ET SEQ.**

**WHEREAS**, the Borough of Highland Park (the “**Borough**”) is a public body corporate and politic of the State of New Jersey; and

**WHEREAS**, 31 River Road Urban Renewal, LLC (the “**Grantor**”) is the owner of a parcel of land located in the Borough, which parcel of land is shown and designated as Block 183, Lot 24 on the Official Tax Map of the Borough (the “**Property**”); and

**WHEREAS**, on September 12, 2019, by way of Application #P2019-03, the Grantor received preliminary and final major site plan approval (the “**Approval**”) pursuant to the Municipal Land Use Law, N.J.S.A. 40:55D-1 *et seq.*, from the Borough of Highland Park Planning Board (the “**Planning Board**”) in furtherance of the Grantor’s plans (the “**Project Plans**”) to construct a multifamily residential development on the Property (the “**Project**”); and

**WHEREAS**, by Resolution No. 2019-06, adopted on October 10, 2019, the Planning Board memorialized the Approval (the “**Resolution**”); and

**WHEREAS**, the Project Plans depict, and the Resolution requires, that the Grantor grant to the Borough a non-exclusive sight triangle easement that is consistent with American Association of State Highway Transportation Officials (the “**AASHTO**”) standards (the “**Sight Triangle Easement**”) in, over, and across portions of the Property, and to provide for the maintenance and upkeep thereof; and

**WHEREAS**, there is an existing sight triangle easement on the Property for the benefit of the County of Middlesex (the “**County**”) that is inconsistent with the Project; and

**WHEREAS**, the County is willing to terminate the existing easement if a new Sight Triangle Easement agreement is executed, in which the Grantor agrees to give, grant, and convey the Sight Triangle Easement to the Borough (the “**Sight Triangle Easement Agreement**”), to replace the easement that is being terminated; and

**WHEREAS**, the Borough Attorney has reviewed the Sight Triangle Easement Agreement between the Grantor and the Borough, in which the Grantor agrees to give, grant, and convey the Sight Triangle Easement to the Borough, in the form attached hereto as Exhibit A, and finds same acceptable, subject to the approval of the Borough Council of the Borough of Highland Park (the “**Borough Council**”); and

**WHEREAS**, pursuant to the Local Lands and Buildings Law, N.J.S.A. 40A:12-1 *et seq.*, an ordinance is required to accept the Sight Triangle Easement and authorize the execution of the Sight Triangle Easement Agreement to memorialize same, and the Borough Council so desires to accept the Single Triangle Easement and execute the Sight Triangle Easement Agreement.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF HIGHLAND PARK AS FOLLOWS:**

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. The Borough Council hereby accepts the Sight Triangle Easement.

Section 3. The Borough Council hereby authorizes the Mayor, Borough Administrator, Borough Clerk, Borough Attorney, Chief Financial Officer, and other necessary Borough Officials to execute the Sight Triangle Easement Agreement in the form attached hereto as Exhibit A and all other necessary documents and undertake all actions reasonably necessary to effectuate the aforementioned Sight Triangle Easement and this Ordinance.

Section 4. If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

Section 5. A copy of this Ordinance and the Sight Triangle Easement Agreement shall be available for public inspection at the office of the Borough Clerk during regular business hours.

Section 6. This Ordinance shall take effect in accordance with all applicable laws.

Introduced and passed on first  
reading: July 21, 2020

ADOPTED: August 18, 2020

ATTEST:

APPROVED: August 18, 2020

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Joan Hullings, Borough Clerk

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Gayle Brill Mittler, Mayor

**EXHIBIT A**  
**SIGHT TRIANGLE EASEMENT AGREEMENT**