

MASON, GRIFFIN & PIERSON

A PROFESSIONAL CORPORATION
COUNSELLORS AT LAW

MEMORANDUM

To: Mayor and Council of Princeton
via e-mail

From: Allison S. Zangrilli, Esq.

Date: May 31, 2013

Re: **Warren House Condominiums: 4-6 Madison Street, Lot 44 in Block 28.02
Stormwater Drainage and Utility Easement**

Negotiations between the Borough and the Warren House Condominium Association regarding an easement for stormwater drainage and utility purposes began prior to consolidation of the Borough and the Township. The easement involves a pipe running from the Spring Street garage area through a wall in one of the two condominium units in the Warren House Condominiums.

We have worked out the specific terms of the easement with the attorney for the owner of impacted property. As a result of the outcome of the negotiations and need for an accurate description of the location of the pipe, a new metes and bounds description was necessary. The new description and plan were recently completed by Johnson Mirmiran & Thompson Engineering and reviewed by the Princeton engineers.

Princeton will be acquiring an easement in the land for the purposes of maintaining the pipe. An ordinance authorizing the acquisition of the interest in land is attached.

attach.

cc: Robert W. Bruschi, Princeton Administrator - *via e-mail*
Linda S. McDermott, Clerk - *via e-mail*
Kathleen Monzo, Princeton CFO - *via email*
Robert V. Kiser, P.E., Princeton Engineer - *via email*

**AN ORDINANCE BY PRINCETON
AUTHORIZING ACCEPTANCE OF A
STORMWATER DRAINAGE AND UTILITY
EASEMENT AND RIGHT-OF-WAY OVER,
UPON AND WITHIN LOT 44 IN BLOCK
28.02, PRINCETON TAX MAP.**

WHEREAS, the Warren House Condominium Association (the "Association") is the owner of the common elements of the Warren House Condominium (the "Warren House"), known as 4-6 Madison Street, and designated as Lot 44 in Block 28.02, Princeton Tax Map (the "Property"); and,

WHEREAS, Princeton is the owner of a certain stormwater pipe (the "Pipe") located in the southerly wall of Unit 4 in the Warren House; and,

WHEREAS, Princeton desires to obtain, and the Association is willing to convey, an easement and right-of-way for the maintenance and repair of the Pipe to carry stormwater, together with the right to travel over, upon and within the southerly wall of Unit 4 in the Warren House and on other portions of the front lawn of the Property to service the Pipe (the "Easement"); and,

WHEREAS, the consideration for the Easement shall be One (\$1.00) Dollar,

NOW THEREFORE, BE IT ORDAINED by the Princeton Council as follows:

1. Pursuant to N.J.S.A. 40A:12-1 *et seq.*, Princeton hereby authorizes the acquisition of the Easement, as described herein.
2. The Mayor and Clerk of Princeton are hereby authorized and directed to execute a Deed of Easement accepting the Easement granted by the Association for the purpose of facilitating the maintenance and repair of the Pipe located in the southerly wall of Unit 4 in the Warren House as described herein. The form of Easement shall be reviewed by the Princeton Attorney.

3. This Ordinance shall take effect upon its passage and publication as provided for by law.

Linda S. McDermott, Clerk

Liz Lempert, Mayor

Introduced:

Adopted: