

**2015-34 AN ORDINANCE BY PRINCETON
AUTHORIZING THE AMENDMENT OF
CERTAIN EASEMENTS AND THE
CONVEYANCE OF OTHER EASEMENTS TO
THE UNITED STATES POSTAL SERVICE IN
CONNECTION WITH THE PALMER
SQUARE POST OFFICE BUILDING**

WHEREAS, Princeton is the owner in fee of certain property designated as Block 20.2, Lot 71 on the municipal tax maps of former Princeton Borough, situated on Palmer Square in Princeton, Mercer County, New Jersey; and

WHEREAS, the United States Postal Service (USPS), an independent establishment of the Executive Branch of the government of the United States of America, is the adjacent owner in fee of certain property known as the United States Post Office 20 Palmer Square East, Princeton, NJ 08540, also located in Mercer County, which property is improved with a building commonly referred to as the Palmer Square Post Office (Post Office); and

WHEREAS, the footprint of the Post Office occupies the entirety of the Property; and

WHEREAS, the Post Office contains certain appurtenances such as window wells, stairs, etc. that encroach onto the adjacent property owned by Princeton, as more specifically shown on a plan prepared by Van Note-Harvey Associates, PC (Kenneth R. Raike, NJPLS) entitled “Plan Showing Existing and Proposed Easements Adjoining Block 20.02, Lot 70, Prepared for LCOR Ventures, LLC, Princeton, Mercer County, N.J., July 22, 2015,” a copy of which is on file in the Office of the Princeton Clerk; and

WHEREAS, Princeton Municipal Improvement, Inc., a predecessor-in-interest to Princeton, previously conveyed easements to USPS for certain of these encroachments, which easements are shown on the survey referenced hereinabove and recorded in the Mercer County Clerk’s Office in Volume 697, Page 304 et seq., Volume 397, Page 307 et seq., Volume 697, Page 309 et seq. and Volume 697, Page 311 et seq. (hereinafter collectively the “1932 Easements”); and

WHEREAS, the 1932 Easements by their terms will terminate if the USPS sells or conveyed its interest in the Property; and

WHEREAS, in addition to the encroachments covered by the 1932 Easements, there are additional appurtenances that encroach onto Princeton’s property for which there are no easements, specifically, a step at the entrance to the Post Office on the west side of the building; a handicap access area also at the entrance to the Post Office on the west side of the building;; and a portion of an existing window well, all as more particularly described in and depicted on the plan identified hereinabove (the “Encroachment Easement Areas”); and

WHEREAS, the USPS has announced its intent to close the Post Office and convey to the Property to a third party; and

WHEREAS, prior to doing so, the USPS wishes to extend the 1932 Easements by removing their termination provisions and correcting certain technical deficiencies; and

WHEREAS, the USPS also wishes to acquire permanent easement rights from Princeton where the encroachments are located on Princeton's property and adjacent to existing easements and integral to the Post Office, in order to allow the encroachments to remain, and for which it is prepared to pay \$85,000.00 to the municipality; and

WHEREAS, the Local Lands and Buildings Law at N.J.S.A. 40A:12-13(b)(1) authorizes a municipality to convey any real property or interest therein not needed for a public use by private sale to the United States of American or any department or agency thereof; and

WHEREAS, the Princeton Mayor and Council find that the USPS's use of the Encroachment Easement Areas and the 1932 Easement areas create minimal impact on Grantor and that their conveyance upon the terms set forth herein will be beneficial to the public, the Grantee and any successor-in-interest to Grantee; and

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

Section 1. Preamble incorporated. The findings set forth in the preamble to this ordinance are hereby incorporated and made a part hereof as if restated in full.

Section 2. Extension of 1932 Easements and conveyance of new easements for Easement Encroachment Areas authorized. Subject to compliance with applicable Green Acres regulations, if any (including, if necessary, the prior approval of the Commissioner of the Department of Environmental Protection and/or State House Commission), the Mayor and Council hereby authorize the conveyance and correction of the 1932 Easements identified in the preamble hereto and the conveyance of new easements for the Easement Encroachment Areas also identified in the preamble hereto (collectively, the 2015 Easement Areas), in exchange for a payment of eighty-five thousand dollars (\$85,000.00) to the municipality, and upon the terms and conditions set forth in a certain agreement entitled "Easement Agreement," a copy of which is attached hereto and made a part hereof, which agreement shall be subject to such technical revisions as the Princeton Attorney may in his or her professional judgment deem reasonable, necessary and prudent. This authorization does not include any easements or other interests other than those depicted on the Plan identified in the preamble hereto.

Section 3. Mayor, Clerk and Attorney authorized to execute documents. The Mayor, Clerk and/or Attorney are hereby authorized and directed to execute any and all documents and take any and all actions necessary to effectuate the terms hereof.

Section 4. Severability. If any section, paragraph, subsection, clause, or provision of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudged, and the remainder of this ordinance shall be deemed valid and effective.

Section 5. Effective Date. This ordinance shall take effect upon its passage and publication, as required by law.

The Palmer Square post office building is located adjacent to property owned by the municipality of Princeton. The boundary line between the post office property and Princeton property follows the footprint of the building itself. Various appurtenances to the building, such as window wells, entrances steps, a handicap access ramp, and cellar stairs encroach onto the Princeton property. The purpose of this ordinance is to authorize Princeton to revise certain existing easements and to convey other easements to enable these existing encroachments/appurtenances to remain in place. The proposed easement agreement being approved by this ordinance and a survey showing the location of the easements to be revised or conveyed are available for inspection between 8:30 a.m. and 4:30 p.m. Monday through Friday in the office of the Princeton Clerk.

I, Kathleen K. Brzezynski, Deputy Clerk of Princeton, County of Mercer, State of New Jersey, do hereby certify that the foregoing is a true copy of an ordinance adopted by the Mayor and Council of Princeton at its meeting held October 12, 2015.



Kathleen K. Brzezynski

Deputy Clerk