

TOWNSHIP OF PENNSAUKEN

ORDINANCE NO. 2021-20

AN ORDINANCE AUTHORIZING LICENSE AGREEMENT BETWEEN THE TOWNSHIP OF PENNSAUKEN AND NEW JERSEY TRANSIT CORP. FOR RAILS TO TRAILS PROJECT

WHEREAS, NEW JERSEY TRANSIT CORPORATION owns property described as two parcels of land collectively containing approximately 188,615 square feet (4.33 acres), located on NJ TRANSIT's Pemberton Branch Line between Mile Posts 03.28 through 03.85 and 04.50 through 05.00, in the Township of Pennsauken, County of Camden, State of New Jersey (hereinafter "License Areas"); and

WHEREAS, the Township of Pennsauken (hereinafter "Licensee") desires to obtain a license from NJ TRANSIT for the purpose of constructing, repairing, and maintaining a bicycle and pedestrian pathway (the "Project") in the License Areas; and

WHEREAS, the parties have agreed that NJ TRANSIT will grant unto Licensee permission to use the License Areas solely for the Project, pursuant to the terms and conditions as set forth in the License Agreement (Exhibit "A" hereto); and

WHEREAS, the Township of Pennsauken desires to construct a pedestrian and bicycle pathway for the benefit of the public and residents of the Township of Pennsauken; and

WHEREAS, this License Agreement will promote and facilitate this public purpose; and

WHEREAS, the Local Lands and Buildings Law, N.J.S.A. 40A:12-5, requires that the license of real property by a public entity be authorized by Ordinance, and it is the desire of the Township Committee to enact this Ordinance authorizing same to comply with the terms and conditions of the Local Lands and Buildings Law.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township Committee of the Township of Pennsauken, County of Camden, and State of New Jersey, as follows:

ARTICLE I. AUTHORIZATION TO ENTER INTO LICENSE AGREEMENT WITH NEW JERSEY TRANSIT CORPORATION

The Township Committee hereby authorizes the license of property owned by New Jersey Transit Corporation located at NJ TRANSIT's Pemberton Branch Line between Mile Posts 03.28 through 03.85 and 04.50 through 05.00. The Committee further authorizes the execution of such documents as may prove necessary for the License Agreement. Said license of land by the Township shall be subject to a License Agreement between the Township and New Jersey Transit Corporation. The License Agreement shall be for a period of one (1) year and will automatically extend from year to year upon the same terms and conditions, unless terminated by either party.

ARTICLE II. REPEALER, SEVERABILITY AND EFFECTIVE DATE

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.

- B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.

- C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

TOWNSHIP OF PENNSAUKEN

By: _____
Mayor

Attest:

Township Clerk
4838-2250-3409, v. 1