

BOROUGH OF PENNINGTON
ORDINANCE NO. 2025-2

**ORDINANCE ACCEPTING UTILITY EASEMENT GRANTED BY
5 PENNINGTON LLC FOR WATER LINE AND PUBLIC FIRE
HYDRANT AT 5 STATE HIGHWAY 31, BLOCK 206, LOT 2,
BOROUGH OF PENNINGTON**

WHEREAS, 5 Pennington LLC, located at 2950 S.W. 27th Avenue, Suite 300, Miami Florida is the owner of real property located at 5 State Highway 31, Borough of Pennington, County of Mercer, State of New Jersey, and more particularly known as Block 206, Lot 2 on the Official Tax Map of the Borough of Pennington (the “Property”); and

WHEREAS, the Grantor was previously granted Preliminary and Final Site Plan approval by the Borough of Pennington Planning Board (the “Board”) to convert a former bank building to a Starbucks Restaurant, as memorialized by the Board’s adoption of a Resolution on February 8, 2023 on Application No. PB22-009 (“Approval”); and

WHEREAS, the Property is the site of a public fire hydrant and a water main serving the hydrant in accordance with an agreement with the prior owner for which, as a condition of Board approval, grant of an easement is required, to be recorded prior to issuance of the Certificate of Occupancy;

WHEREAS, as set forth in the attached form of Utility Easement, the required easement is a 20-foot wide non-exclusive easement extending from the easterly boundary of the Property to the fire hydrant near Route 31 to the west:

WHEREAS, consideration for the easement is One Dollar and the promises and representations described in the document;

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Pennington, that the attached Utility Easement is hereby approved and accepted, and the Mayor, with the attestation of the Borough Clerk, is authorized to execute the Utility Easement and to take such steps as necessary to ensure its recording in the Office of the Mercer County Clerk in accordance with law.

Introduced: January 13, 2025

Advertised: January 17, 2025

Public Hearing: February 3, 2025 (Carried)

Public Hearing: _____

Adoption: _____

Final Publication: _____

ATTEST:

APPROVED:

Elizabeth Sterling, Borough Clerk

James Davy, Mayor

**BOROUGH OF PENNINGTON
COUNTY OF MERCER**

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RECORD OF COUNCIL VOTE ON INTRODUCTION

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V	A.B.
Angarone	X				Rubenstein				absent
Chandler	M				Stern	S			
Marciante				absent	Valenza	X			

RECORD OF COUNCIL VOTE ON ORDINANCE AMENDMENT/CARRY PUBLIC HEARING

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V	A.B.
Angarone	M				Rubenstein	M			
Chandler	X				Stern	X			
Marciante	X				Valenza	X			

RECORD OF COUNCIL VOTE ON ADOPTION

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V	A.B.
Angarone					Rubenstein				
Chandler					Stern				
Marciante					Valenza				