

## ORDINANCE 29-2010

### ORDINANCE OF THE BOROUGH OF MADISON AUTHORIZING GRANT OF ACCESS EASEMENT OVER EXISTING DRIVEWAY ON PROPERTY OWNED BY THE BOROUGH OF MADISON KNOWN AS BLOCK 1401, LOT 3

**WHEREAS**, the Council of the Borough of Madison adopted Resolution 289-2009 authorizing consent to an application before the Madison Zoning Board of Adjustment by 13 Madison Avenue, LLC, regarding property at 13 Madison Avenue, Madison, New Jersey, known as Block 1401, Lot 2 on the current tax map, which property is adjacent to property owned by the Borough of Madison known as James Park, Block 1401, Lot 3; and

**WHEREAS**, there is an existing driveway on the westerly portion of the Borough property that leads to a Borough-owned electric substation; and

**WHEREAS**, Resolution 289-2009 indicated that the Council was agreeable to providing an access easement over the said existing driveway based on the agreement of 13 Madison Avenue, LLC to allow certain exterior elements to be preserved on the historic dwelling located on 13 Madison Avenue; and

**WHEREAS**, the Madison Historic Preservation Commission, by letter dated December 9, 2009, indicated that the dwelling structure located on 13 Madison Avenue is one of the oldest structures in the Borough of Madison and holds significance as the home of the first French family in Madison; and

**WHEREAS**, 13 Madison Avenue, LLC, obtained variances and site plan approval from the Madison Zoning Board of Adjustment by resolution adopted January 14, 2010, for certain development on said property, which would result in the dwelling not being removed or demolished; and

**WHEREAS**, a condition of approval of the Madison Zoning Board of Adjustment was that the owner obtain an easement agreement with the Borough of Madison allowing shared use of the existing driveway on the adjacent Borough property, Block 1401, Lot 3, to allow access to the rear of Block 1401, Lot 2 for ingress and egress; and

**WHEREAS**, the construction of a driveway on the existing property would require removal of a portion of the dwelling, which would cause the loss of significant historical elements; and

**WHEREAS**, the Madison Borough Council has determined to grant an easement for right of ingress and egress over the existing driveway into the rear of the property at Block 1401,

Lot 2, provided the easement may be revoked for the reasons set forth in the access easement agreement.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that the Mayor and Borough Clerk are authorized to execute an access easement agreement consistent with the terms hereof, in a form approved by the Borough Attorney.

ADOPTED AND APPROVED  
May 24, 2010

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MARY-ANNA HOLDEN, Mayor

Attest:

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ELIZABETH OSBORNE, Borough Clerk  
Introduced and passed: May 10, 2010  
Published, Madison Eagle: May 13, 2010  
Hearing and consideration for final adoption: May 24, 2010  
Published upon final adoption, Madison Eagle: May 27, 2010