

ORDINANCE OF THE CITY OF GLOUCESTER CITY
County of Camden, State of New Jersey
#O-37-2017

**ORDINANCE VACATING ANY AND ALL RIGHTS, INTEREST AND OWNERSHIP IN
THE SURFACE AND SUB-SURFACE PORTION OF PROPERTY MORE FULLY SET
FORTH IN THE ATTACHED EXHIBIT "A", IN ACCORDANCE WITH THE
MEMORANDUM OF UNDERSTANDING BETWEEN TRANSCONTINENTAL GAS
PIPE LINE COMPANY, LLC (TRANSCO) AND THE CITY OF GLOUCESTER CITY
PURSUANT TO RESOLUTION R#257-2016**

WHEREAS, Transco is a natural gas company under the Natural Gas Act of 1938, 15 U.S.C. §717 et seq., and, as such, is regulated by the Federal Energy Regulatory Commission as to facilities, construction, rates, and types of service, and regulated by the United States Department of Transportation (by its Office of Pipeline Safety) as to minimum safety standards; and

WHEREAS, in approximately 1958, pursuant to its authority under the Natural Gas Act, Transco's predecessor corporation constructed a 14" diameter pipeline, known as the Philadelphia Gas Works Plant "A" Lateral (the "Pipeline"), to serve Transco's customers. The Pipeline, which is part of Transco's interstate natural gas pipeline transmission system, traverses portions of Camden County, including the City, before it enters and crosses under the Delaware River over to Pennsylvania; and

WHEREAS, prior to the Pipeline entering the Delaware River from the New Jersey side of the river, the 14" diameter Pipeline proceeds longitudinally along, under, and within one of the City's streets, namely Monmouth Street, in compliance with applicable City Ordinances including the City's street opening Ordinance, to an area within Monmouth Street's westerly terminus where the Pipeline connects to a Transco-operated valve site and separates into two 10"

diameter pipelines (included as part of the "Pipeline") which cross beneath the Delaware River; and

WHEREAS, pursuant to a certain "Surface Lease Agreement" ("Lease Agreement") dated October 7, 1994 and recorded in the Camden County Clerk's Office in Deed Book 4724, Page 825, Transco (as lessee) and City (as lessor) entered into a fifty (50) year Lease Agreement as to a designated portion of Monmouth Street to allow Transco to construct, operate, and maintain an above and below ground valve and appurtenant equipment associated with the Pipeline; and

WHEREAS, Transco, the City, and a third-party property owner, Passaic Properties, LLC ("Holt"), have entered into discussions concerning Transco's interest in removing its aforementioned valve site from Monmouth Street and relocating the valve site [plus smart pig traps] to adjacent property owned by Holt, namely Block 48, Lot 4 as depicted on the City's official Tax Map (hereinafter the "Holt Property"); and

WHEREAS, pursuant to a certain "Easement Agreement" ("City Easement") dated May 16, 2005 and recorded on July 12, 2005 in the Camden County Clerk's Office in Deed Book 7876, Page 1066, the City acquired a perpetual non-exclusive easement from Holt on and over a portion of the Holt Property for purpose of allowing "public access, egress, on, over, across by pedestrians and vehicular traffic to and from Monmouth Street to the former Coast Guard Base located on Block 48, Lot 2"; and

WHEREAS, the discussions among Transco, the City, and Holt have, among other things, identified the necessity, on the part of the City, of releasing certain of its Holt Property easement rights that it enjoys pursuant to the City Easement in order to allow Transco to construct surface and sub-surface facilities on a portion of the Holt Property; and

WHEREAS, the proposed relocation of Transco's valve site from its present location in a portion of Monmouth Street to a portion of the Holt Property shown as "Exclusive Rights Easement" on that certain Williams Gas Pipeline drawing number PGWAA 3_89 PMD 121916 (one sheet), attached hereto as Exhibit "A" and made a part hereof, will necessitate the termination of the above-stated Lease Agreement at such time as Transco's valve site has been relocated to the Holt Property; and

WHEREAS, in connection with the relocation of Transco's valve site to the Holt Property, Transco has agreed to pay monetary consideration to the City in compensation, where legally appropriate, for the various official actions to be undertaken by the City, and for release by the City of certain of its easement rights in the Holt Property; and

WHEREAS, it is the intention of the City to take this official action to release its surface and sub-surface rights in that portion of the Holt Property depicted on Exhibit "A" as "Exclusive Rights Easement" whether such rights originate with the Easement Agreement or by way of ordinance, resolution, or at common law.

NOW, THEREFORE, be it Ordained by the Mayor and Common Council of the City of Gloucester City, County of Camden and State of New Jersey as follows:

SECTION 1: That certain portion of land set forth in the "Surface Lease Agreement" ("Lease Agreement") dated October 7, 1994 and recorded in the Camden County Clerk's Office in Deed Book 4724, Page 825, Transco (as lessee) and City (as lessor) entered into a fifty (50) year lease agreement as to a designated portion of Monmouth Street as well as that certain portion of land set forth in the "Easement Agreement" ("City Easement") dated May 16, 2005 and recorded on July 12, 2005 in the Camden County Clerk's Office in Deed Book 7876, Page 1066, the City acquired a perpetual non-exclusive easement from Holt on and over a portion of the Holt Property for purpose of allowing public access, egress, on, over, across by pedestrians and vehicular traffic to and from Monmouth Street to the former Coast Guard Base located on Block 48, Lot 2, shall be hereby vacated, including any and all rights, interest and ownership in the surface and sub-surface portion of property only to the extent it is identified in Exhibit "A", attached hereto and made a part hereof.

SECTION 2: The provisions of this Ordinance are specifically conditioned upon compliance with the terms, conditions and payments set forth in a Memorandum of Understanding by and between Transcontinental Gas Pipe Line Company, L.L.C. and the City of Gloucester pursuant to authorizing Resolution R#257-2016, and dated December 28, 2016.

SECTION 3: To the extent not previously authorized, the City of Gloucester public rights and interests in a portion of property, particularly described in accordance with Exhibit "A" attached hereto, are hereby vacated, abandoned and released.

SECTION 4: The vacation set forth herein expressly reserves and excepts from said vacation, all rights and privileges possessed by any and all public utilities, as defined by R.S. 48:2-13, and by any cable television company, as defined in the Cable Television Act, P.L. 1972, c. 186, (C. 48:5A-1 et seq.), to maintain, repair and replace their existing facilities in adjacent to, over or under the street, highway, lane, alley, square, place or park, or any part thereof, to be vacated.

SECTION 5: All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.


SECTION 6: If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

SECTION 7: This Ordinance shall take effect immediately upon final passage and publication in accordance with law.


William P. James, Mayor

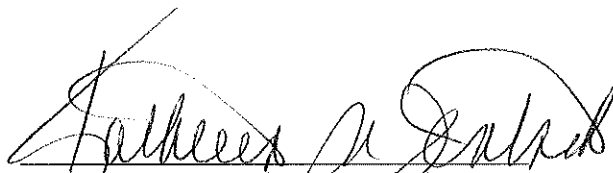
Passed on First Reading: 11-21-17

Adopted by the Mayor and Common Council of Gloucester City this 21st day of December, 2017.



Kathleen M. Jentsch, City Clerk

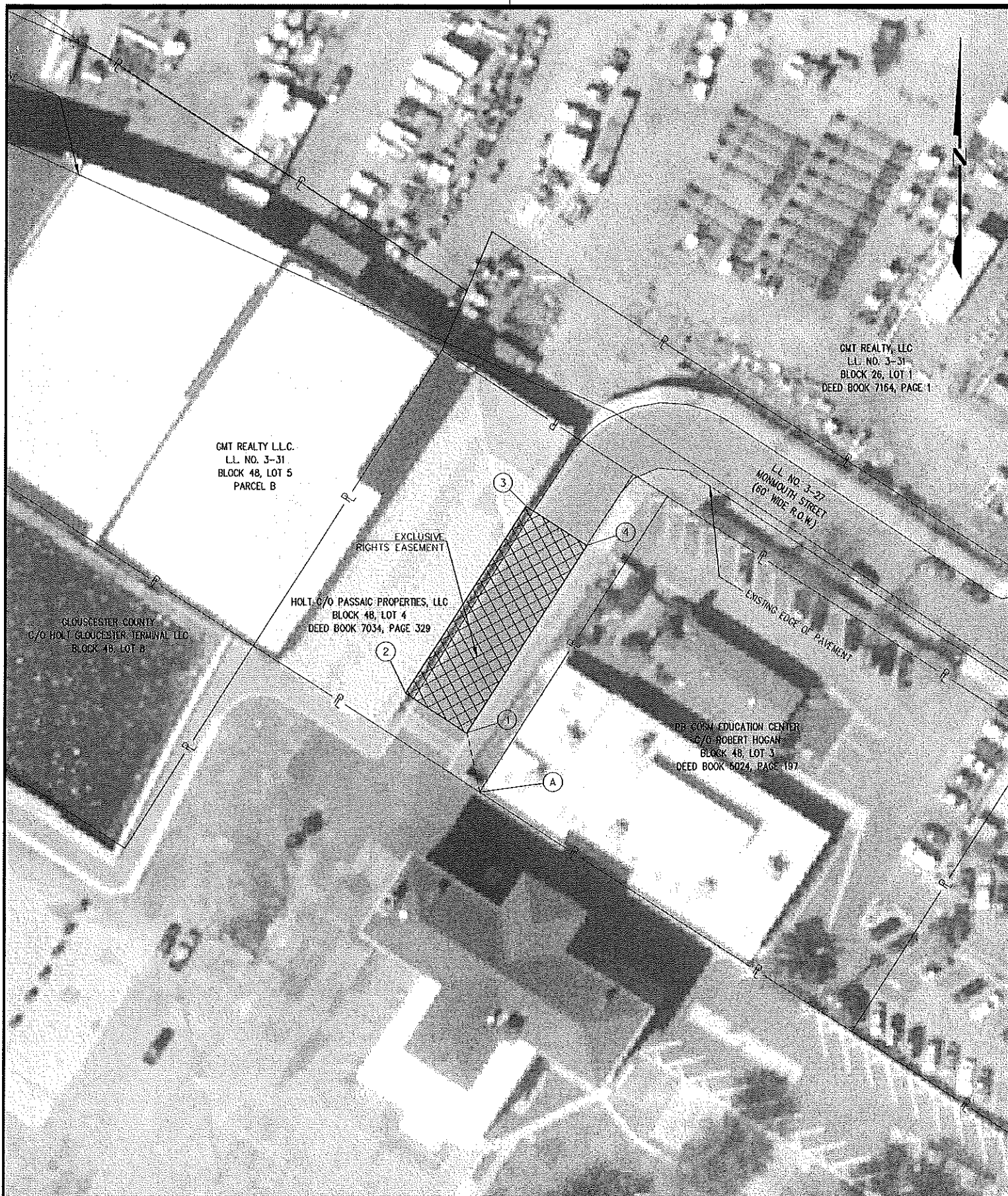
PUBLIC MEETING

NOTICE is hereby given that the foregoing ORDINANCE was introduced and passed at a meeting of the Common Council of the City of Gloucester City, County of Camden, New Jersey, held on the 21st day of November, 2017, and will be considered for final passage after a public hearing at a meeting of the Common Council of the City of Gloucester City to be held on the 21st day of December, 2017 at 7:30 pm in the evening prevailing time at 313 Monmouth Street, Gloucester City, New Jersey.


Kathleen M. Jentsch, City Clerk

I hereby certify that the foregoing ORDINANCE was approved for final adoption by the Mayor and Common Council of the City of Gloucester City, County of Camden, State of New Jersey at a regularly scheduled meeting held on the 21st day of Dec 2017


Kathleen M. Jentsch, City Clerk



NOTES:

1. BEARINGS SHOWN ARE BASED ON THE NEW JERSEY STATE PLANE COORDINATE SYSTEM, NAD 83.

2. AREA OF PROPOSED EXCLUSIVE RIGHTS EASEMENT..... 0.083 ACRES



EXCLUSIVE EASEMENT

POINT	BEARING	DISTANCE
A-1	N 12°42'47" W	28.45'
1-2	N 57°22'14" W	34.68'
2-3	N 33°11'09" E	105.01'