

**ORDINANCE OF THE CITY OF GLOUCESTER CITY  
COUNTY OF CAMDEN, STATE OF NEW JERSEY  
#O 10 - 2023**

**ORDINANCE GRANTING AN ENCROACHMENT EASEMENT TO CERTAIN PROPERTY AS  
SET FORTH HEREIN BY THE CITY OF GLOUCESTER, COUNTY OF CAMDEN, STATE OF  
NEW JERSEY**

**WHEREAS**, Incollingo's Food Service LLC, whose address is 900 Jersey Avenue, Gloucester City, New Jersey, 08030 desires to transfer property to Kopac Holdings, LLC, whose address is 1 Kopac Lane, Palisades, New York 10964; and

**WHEREAS**, the property is located in the City of Gloucester City (City"), Camden County, New Jersey, Block 115, Lot 10, on the Official Tax Map; and

**WHEREAS**, the property consists of the land and all the buildings and structures on the land in the City of Gloucester, County of Camden, and State of New Jersey and includes the following legal description per Deed and as reflected in the survey attached hereto and made a part hereof:

"ALL THAT CERTAIN tract or parcel of land and premises lying, being and situate in the City of Gloucester, County of Camden and State of New Jersey being more particularly described as follows:

BEGINNING at a point where Southwesterly line of Jersey Avenue (60 Feet wide) intersects with the Southeasterly line of Ninth Street (50 feet wide) and proceeding; thence

1. Along the said Southwesterly line of Jersey Avenue, South 12 degrees 30 minutes 00 seconds East 80.00 feet to a point in the division line of Lots 9 and 10, Block 115 of the current City of Gloucester of Gloucester Tax Map;
2. Along said division line of Lots 9 and 10, South 77 degrees 20 minutes 00 seconds West 100.00 feet to a point;
3. Still along the same, South 12 degrees 20 minutes 00 seconds East 19.52 feet to a point in the division line of Lots 10 and 15 of said Tax Map;
4. Along said division line of Lots 10 and 15, South 77 degrees 30 minutes 00 seconds West 44.53 feet to a point in the Northeasterly line of Charles Street (80 feet wide);

5. Along said line of Charles Street, North 39 degrees 12 minutes 30 seconds West 111.41 feet to a point in the said Southeasterly line of Ninth Street;

6. Along said line of Ninth Street, 77 degrees 30 minutes 00 seconds East 194.60 feet to a point and place of BEGINNING.

BEING known as No. 900 Jersey Avenue; BEING designated on the Tax Map of the City of Gloucester as Lot 10 in Block 115.

BEING the same land and premises which became vested in Anything, L.L.C., a New Jersey Limited Liability Company, by Deed from 9<sup>th</sup> & Jersey Co., L.L.C., a New Jersey Limited Liability Company, dated December 20, 20004, recorded January 28, 2005, in the Camden County Clerk/Register's Office in Deed book 7716, Page 1072.

BEING the same land and premise which was transferred and vested into Incollingo's Food Service LLC, a New Jersey Limited Liability Company, by Deed from Anything, L.L.C., a New Jersey Limited Liability Company, dated November 9, 2015, and recorded on February 29, 2016, in Camden County Clerk/Register's Office in Deed Book 10347, Page 1612."

**WHEREAS**, a Professional Land Surveyor from Ewing Associates, 900 B. No. Delsea Drive, P.O. Box 145, Clayton, New Jersey, 08312 prepared a survey dated December, 27, 2022 for said property as attached; and

**WHEREAS**, the subject property is currently under contract to sell, and during the course of the diligence period, it was discovered that the south western tip of the structure encroaches upon municipal property by 1.68 inches; and

**WHEREAS**, the City of Gloucester is willing to grant the titled owner a right of encroachment upon municipal property for the required 1.68 inches in order to allowing to the passage of clean title to the aforesaid lands; and

**WHEREAS**, the City of Gloucester City is willing to permit such an encroachment provided Owners hold the City harmless from any and all damages that may occur to said Encroachment.

**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:** The Mayor, Clerk or their respective designees, are hereby authorized to execute the attached Encroachment Agreement and take any and all actions necessary to effectuate the purposes of this Ordinance.

**Section 2:** All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

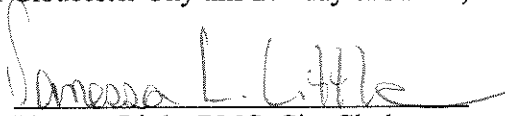
**Section 3:** If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

**Section 4:** This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

  
Dayl R. Baile, Mayor

Passed on First Reading: February 23, 2023

Adopted by the Mayor and Common Council of Gloucester City this 27<sup>th</sup> day of March, 2023.

  
Vanessa Little, RMC, City Clerk