

CITY OF VINELAND

ORDINANCE NO. 2019-68

ORDINANCE AUTHORIZING THE EXECUTION OF A LICENSE AGREEMENT BY AND BETWEEN THE CITY OF VINELAND AND OWNER OF BLOCK 6412, LOT 4 FOR LIMITED USE OF 10 FEET OF ADJACENT CITY PROPERTY NOT PRESENTLY NEEDED FOR PUBLIC PURPOSE IN EXCHANGE FOR PROPERTY MAINTENANCE OF CERTAIN CITY OWNED PROPERTY ADJACENT TO BLOCK 6412, LOT 4.

WHEREAS, the City of Vineland is the owner of two stub paper streets which run in a southerly direction off of Graiff's Way and end on Block 6412, Lot 4 not presently improved and are required to be maintained by the City of Vineland including mowing of the grass that grows upon said stub streets; and

WHEREAS, the owner of Block 6412, Lot 4 owns and operates a farm thereon up to which the stub streets dead end; and

WHEREAS, the owner of Block 6412, Lot 4 has requested the City consider allowing the use of 10 feet of the western most stub street for the storage of pallets which are utilized as part of farming operation thereon in exchange for the maintenance of the two stub streets including mowing, weed whacking and general maintenance once every ten days; and

WHEREAS, the Director of Public Works has asserted that the cost for the road department to deliver mowing equipment and tractors to maintain the two stub streets in accordance with City Property Maintenance Ordinance would cost much more than the value of the use of 10 feet of one stub street for the storage of pallets only and would save the City of Vineland money as well as wear and tear on its equipment.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Vineland that the Mayor and Clerk are authorized to execute a License Agreement between City of Vineland and Amanda Biagi, owner of Block 6412, Lot 4 for the use of the southern most 10 feet of the western most unimproved stub street running south off of Graiff's Way which is not needed for public purposes at the present time and is more particularly depicted on the tax map attached hereto and in exchange therefor the owner of said property shall keep and maintain the two stub streets in accordance with the City's Property Maintenance Ordinance, including the mowing and weed whacking of said property not less than once every ten days or as needed, to be in compliance with said code as follows.

1. The license agreement shall prohibit the storage of any item other than pallets on the property with the stacked pallets not to exceed 4 feet in height
2. The license agreement shall provide that the agreement may be terminated at any time with 30 days notice to the other party.
3. The license agreement shall provide that the owner of Block 6412, Lot 4 shall maintain a policy of insurance covering the City of Vineland for any loss or claim as a result of the maintenance of the two stub streets and including indemnification of any cost incurred by the City of Vineland.
4. The license agreement shall require that the owner of Block 6412, Lot 4 shall maintain the property at their sole cost and expense and shall do so in a proper workman like matter.
5. The license agreement shall contain any and all additional terms and conditions as required by the City Solicitor.

BE IT FURTHER ORDAINED that should any portion of this Ordinance be deemed unenforceable by a court of competent jurisdiction, that portion so determined to be unenforceable, shall be void and the balance hereof shall remain in full force and effect.

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BE IT FURTHER ORDAINED that should any Ordinance or portion thereof be inconsistent herewith, such Ordinance or portion thereof shall be void to the extent of such inconsistencies.

This Ordinance shall take effect upon adoption and publication according to law.

Passed first reading:

Passed final reading:

President of Council

ATTEST:

City Clerk