

**ORD.#19-2016**

**AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MOUNT OLIVE TO ACCEPT A DEED OF EASEMENT AND RIGHT-OF-WAY FOR PURPOSES OF OPERATING AND MAINTAINING A WASTEWATER TREATMENT PLANT, LOCATED ON PROPERTY DESIGNATED AS BLOCK 4411, LOT 144 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF MOUNT OLIVE**

**WHEREAS**, the Township is the owner in fee simple of property located within the Morris Hunt/Morris Chase development and designated as Block 4411, Lot 144 on the Official Tax Map of the Township of Mount Olive (the “Property”); and

**WHEREAS**, the Township obtained ownership of the Property from Toll N.J. II LLP by deed dated March 9, 2016 and recorded in the office of the Recorder of Deeds of Morris County in Deed Book 22873, Page 1029 on March 15, 2016; and

**WHEREAS**, the transfer of ownership of the Property from Toll N.J. II LLP to the Township was part of a transaction pursuant to which the Township took over the potable water system from New Jersey American Water; and

**WHEREAS**, New Jersey American Water continues to operate and maintain the wastewater services within the Morris Hunt/Morris Chase development; and

**WHEREAS**, the wastewater treatment plant is located on the Property, to which New Jersey American Water must be permitted access to facilitate proper operation and maintenance; and

**WHEREAS**, in order to ensure such access, an easement and right of way of the Property must be conveyed to the Township of Mount Olive for New Jersey American Water’s operation and maintenance of the wastewater treatment plant located on the Property; and

**WHEREAS**, the Township Council is desirous of executing a deed of easement and right of way for the aforesaid purposes; and

**WHEREAS**, New Jersey American Water has submitted a deed for such purpose for consideration by the Township Council; and

**WHEREAS**, the Township Engineer has reviewed the legal description in the proposed Deed of Easement and Right-of-Way and found same to be acceptable; and

**WHEREAS**, the Township Attorney has reviewed the proposed deed and found same to be acceptable as to form; and

**WHEREAS**, the Township of Mount Olive does hereby determine to authorize the acceptance and execution of said deed as set forth herein for the benefit of the Township of Mount Olive and the public in general.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Mount Olive, in the County of Morris and State of New Jersey, as follows:

**SECTION 1.** Execution of the Deed of Easement and Right of Way with the Township as grantor and New Jersey American Water as Grantee, on file with the Township Clerk, and being part of Block 4411, Lot 144 in the Township of Mount Olive, is hereby authorized.

**SECTION 2.** If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portion of this Ordinance.

**SECTION 3.** This Ordinance may be renumbered for purposes of codification.

**SECTION 4.** This Ordinance shall take effect twenty (20) days following final passage, approval, and publication as required by law.

Introduced:

Adopted:

Effective Date:

TOWNSHIP OF MOUNT OLIVE

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Joe Nicastro, Mount Olive Council President

ATTEST:

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Michelle Masser, Township Clerk