

ORDINANCE 17-2022

**BOROUGH OF EATONTOWN
COUNTY OF MONMOUTH, STATE OF NEW JERSEY**

**AN ORDINANCE AUTHORIZING THE CONVEYANCE OF A TEMPORARY ACCESS AND
CONSTRUCTION EASEMENT TO NEW JERSEY-AMERICAN WATER COMPANY, INC. FOR THE
PROPERTY DESIGNATED AS BLOCK 401, LOTS 10, 11, 129 AND 130 AND A PERPETUAL
EASEMENT FOR THE PROPERTY DESIGNATED AS BLOCK 401, LOTS 11 AND 129 FOR THE
PURPOSES OF INSTALLING AND MAINTAINING WATER MAINS**

WHEREAS, under the Local Land and Buildings Law, N.J.S.A. 40A:12-1 et. seq., the Borough of Eatontown (the "Borough") is authorized to convey real property or any interest in real property by private sale to a utility company; and

WHEREAS, New Jersey- American Water Company, Inc. requested that the Borough convey a 20 ' wide temporary access and construction easement in connection with the property designated as Lots 10, 11, 129 and 130 in Block 401 on the Tax Map of the Borough of Eatontown as described by metes and bounds as set forth in Schedule A and as depicted in the Easement Sketch set out in Exhibit B for the purpose of maintaining installing, laying, maintaining, inspecting, removing, repairing, renewing, replacing, relaying and adding to from time to time to time pipe or pipes, with necessary fittings, appurtenances and attached facilities, including laterals and connections (collectively "Water Mains") for the transmission and distribution of water (the "Construction Easement") to service Eatontown, Fort Monmouth, Tinton Falls and Oceanport ; and

WHEREAS, New Jersey-American Water Company Inc. requested that the Borough convey a 30' wide perpetual easement for the property designated as Lots 11 and 129 in Block 401 on the Tax Map of the Borough of Eatontown, County of Monmouth, State of New Jersey (the "Permanent Easement") as described by metes and bounds as set forth in Exhibit C and as depicted in the Easement Sketch set out in Exhibit B for the purpose of installing, laying, operating, maintaining, inspecting, removing, repairing, renewing, replacing, relaying and adding to from time to time Water Mains for the transmission and distribution of water in exchange for the payment of \$25,000.; and

WHEREAS, the Borough Council finds it to be in the best interests of the Borough and its residents to authorize the conveyance of the Construction Easement and the Permanent Easement to New Jersey-American Water Company, Inc. to enhance the supply of water to the Borough and its immediate vicinity.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Eatontown, County of Monmouth and State of New Jersey, that it hereby approves the conveyance of the Construction Easement and the Permanent Easement to New Jersey- American Water Company, Inc. in exchange for the payment of \$25,000 and the Mayor is authorized to execute the Deed of Easement and Right-of-Way Agreement as between the Borough of Eatontown and New Jersey American Water Company, Inc. in a form approved by the Borough Attorney.

IT IS FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

IT IS FURTHER ORDAINED that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

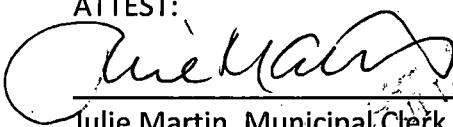
IT IS FURTHER ORDAINED that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

DATE INTRODUCED: 8/10/2022
DATE ADOPTED: 8/24/2022

APPROVED:


Anthony Talerico, Jr. Mayor
Date: 8/25/2022

ATTEST:


Julie Martin, Municipal Clerk
Date: 8/25/2022