

TOWNSHIP OF MENDHAM

ORDINANCE 6-2009

ORDINANCE TO AUTHORIZE THE ACQUISITION OF PROPERTY DESIGNATED AS LOT 41 IN BLOCK 145.04 ON THE TAX MAP OF THE TOWNSHIP OF MENDHAM FROM DRAKEWICK HOMEOWNERS ASSOCIATION AND GRANTING OF AN EASEMENT FOR UTILITY PURPOSES UPON PUBLIC LANDS AND TO PERMIT THE CONSTRUCTION OF A WATERLINE WITHIN A TOWNSHIP EASEMENT FOR PUBLIC SAFETY PURPOSES

WHEREAS, the Township of Mendham (the ATownship@) has operated the sewerage treatment facilities and appurtenances on a parcel of land commonly known and designated Block 145.04 Lot 1 on the Tax Map of the Township of Mendham since the time of its acceptance in 1996; and

WHEREAS, it was recently discovered the Township did not obtain title to said parcel on which the sewerage treatment plant is operated and the Township desires to run a water transmission line across the property to the Governor Estates subdivision; and

WHEREAS, the Township desires to acquire Block 145.04, Lot 1 from Drakewick Homeowner's Association, Inc.; and

WHEREAS, the Township owns an easement for conservation and drainage purposes across Block 145 Lot 3.08 by virtue of a Grant of Conservation and Drainage Easement dated March 17, 2005 and recorded on August 8, 2005 at Deed Book 06418 Page 170 in the Office of the Morris County Clerk; and

WHEREAS, K. Hovnanian at Mendham Township, LLC has the right to install a waterline across the lands of Frank and Milica Kobola (Block 145 Lot 3.08) by virtue of an Agreement dated April 30, 2006 between said parties providing a license to enter thereon for purposes of Aconstruction, repair, emergency matters, or pursuant to governmental order or requirement@; and

WHEREAS, the Township is requiring K. Hovnanian at Mendham Township, LLC to install a supplemental waterline to serve the Governor Estates Subdivision for the purpose of providing increased flows and water pressure; and

WHEREAS, K. Hovnanian at Mendham Township, LLC provided notice on December 21, 2007 to Frank and Milicia Kobola that utility work will be conducted to alleviate a water capacity deficiency that exists along the Rouge 24 water main; and

WHEREAS, New Jersey American Water Company (ANJAWC) has agreed with K. Hovnanian at Mendham Township, LLC to construct a waterline from its water distribution facilities in Devonshire Lane to connect to a waterline in Olmstead Lane within the Governor Estates Subdivision; and

WHEREAS, the Township desires to take action to assist in the implementation of the construction of the waterline facilities so as to increase flows and water pressure and is authorized by law to convey interests in real property to effectuate a public purpose; and

WHEREAS, the Township finds that good cause exists to allow the installation of a waterline within its Conservation and Drainage Easement upon Block 145 Lot 3.08; and

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Mendham in the County of Morris and State of New Jersey as follows:

1. The Mayor is authorized and directed to execute:
 - a. the Contract of Sale for Real Estate for the acquisition of real property known and designated as Lot 41 in Block 145.04 on the Tax Map of the Township of Mendham, in the amount of one dollar (\$1.00) from Drakewick Homeowners Association, Inc. in substantially the form on file with the Township Clerk

b. an easement agreement granting an easement across Township property at Block 145.04 Lot 1 with NJAWC for the construction, maintenance, repair, renewal, and replacement of a waterline and appurtenances for nominal consideration; and

c. an encroachment instrument to allow the construction of a waterline through the area of an easement held by the Township upon Block 145 Lot 3.08.

2. This Ordinance shall become effective after final passage, adoption, and publication according to law.

Introduced: February 9, 2009

Adopted

Effective

Attest:

TOWNSHIP OF MENDHAM, IN THE
COUNTY OF MORRIS

By _____

Ann L. Carlson, RMC

Frank V. Cioppettini, Jr.

Township Clerk

Mayor