

**TOWNSHIP OF MANSFIELD
COUNTY OF BURLINGTON**

ORDINANCE 2021-11

**AN ORDINANCE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF BURLINGTON,
STATE OF NEW JERSEY GRANTING CONSENT TO NEW JERSEY AMERICAN WATER
COMPANY, INC. TO PERMIT THE CONSTRUCTION, EXPANSION AND MAINTENANCE OF
SEWER FACILITIES ON PRIVATE AND PUBLIC PROPERTY TO SERVICE DEVELOPMENT ON
PROPERTY KNOWN AS BLOCK 3, LOT 5.03 AND BLOCK 4, LOTS 6.01 & 7 ON THE OFFICIAL
TAX MAP OF MANSFIELD TOWNSHIP**

WHEREAS, New Jersey-American Water Company, Inc. ("Company") is a regulated public utility corporation of the State of New Jersey seeking approval from the Township of Mansfield ("Township") of an exclusive and perpetual franchise to provide sewer service within the Township, and more specifically and limited to Block 3, Lot 5.03 (f/k/a Lots 5.01 and 10.01) and Block 4, Lots 6.01 and 7 as designated on the official tax map of the Township of Mansfield, and the municipal consent of the Township to permit said Company to extend sewer service and its related facilities ("sewer facilities") to said Block 3, Lot 5.03 (f/k/a Lots 5.01 and 10.01) and Block 4, Lots 6.01 and 7 in the Township; and

WHEREAS, the Company has requested the approval of an exclusive and perpetual franchise to provide sewer service limited to said Block 3, Lot 5.03 (f/k/a Lots 5.01 and 10.01) and Block 4, Lots 6.01 and 7, pursuant to N.J.S.A. 48:2-14, and pursuant to rates and tariffs approved by the New Jersey Board of Public Utilities; and

WHEREAS, the Company has requested the consent of the Township as required by N.J.S.A. 48:3-11 and 48:3-15 for the use of the public streets, identified on the map attached hereto and made a part hereof as Exhibit A, with such consent limited to the fifty (50) year duration set forth in N.J.S.A. 48:3-15, including the consent of the Township pursuant to N.J.S.A. 48:13-11, as amended, to lay its pipes, valves, pumps, manholes and other equipment and related facilities ("sewer facilities") beneath and restore such public roads, streets and places as it may deem necessary for its corporate purposes, free from all charges to be made for such privilege, provided that said pipes shall be laid at least three feet (3') below the surface and shall not in any way unnecessarily obstruct or interfere with the public travel or cause or permit other than temporary damage to public or private property, and the Township desires and permits the Company to construct and maintain sewer service and the sewer facilities on and along said roads, streets and places at locations to be designated by the Township in order to provide such sanitary sewer service to Block 3, Lot 5.03 (f/k/a Lots 5.01 and 10.01) and Block 4, Lots 6.01 and 7.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township Committee of the Township of Mansfield in the County of Burlington, State of New Jersey as follows:

Section 1.

The Township hereby grants unto the Company, its successors and assigns, in perpetuity, the exclusive franchise to provide sewer service within the Township limited in this Ordinance to said Block 3, Lot 5.03 (f/k/a Lots 5.01 and 10.01) and Block 4, Lots 6.01 and 7, pursuant to N.J.S.A. 48:2-14.

Section 2.

The Township hereby grants unto the Company, its successors and assigns the municipal consent to use the streets shown on the map attached as Exhibit A pursuant to N.J.S.A. 48:3-11 and 48:3-15, with such consent limited to the fifty (50) year duration set forth in N.J.S.A. 48:3-15; as well as the municipal consent as required pursuant to N.J.S.A. 48:13-11 as amended, without charge therefore, as the same may be required in order to permit the said Company to add to, extend, operate and maintain said sewer collection and treatment facilities on public and private property located in the Township. The privilege granted herein shall include the construction installation and maintenance of sewer service and its related sewer facilities on and along the Township roads, streets and places at locations as the Township shall designate from time to time. The consent provided in this Ordinance is limited to expanding the Company's existing franchise to provide service to Block 3, Lot 5.03 (f/k/a Lots 5.01 and 10.01) and Block 4, Lots 6.01 and 7 and does not otherwise modify or amend the Company's existing franchise to provide sanitary sewer service in the Township.

Section 3.

Certified copies of this Ordinance, upon final passage, shall be sent to the Company who shall forward same to the New Jersey Department of Environmental Protection and the Board of Public Utilities of the State of New Jersey.

Section 4.

The consent granted herein shall be subject to the Company complying with the applicable Township Ordinances, including but not limited to, the requirements for review, inspections, performance guarantees and review and inspection escrows, State of New Jersey Statutes and any New Jersey Administrative agency's rules and regulations which apply to the subject matter of this Ordinance; and that the Mayor and Committee of the Township are authorized to execute any documents and agreements necessary to effectuate the municipal consent granted herein and to protect the rights of the public involved.

Section 5. ***REPEALER, SEVERABILITY AND EFFECTIVE DATE***

- A. Any and all Ordinances and provisions thereof inconsistent with the provisions of this Ordinance shall be and are hereby repealed to the extent of such inconsistency
- B. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged to be unconstitutional or invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this ordinance shall be deemed valid and effective.
- C. This Ordinance shall take effect immediately upon final passage and publication according to law.

CERTIFICATION

I, **Linda Semus, RMC, CMR**, Municipal Clerk of the Township of Mansfield, County of Burlington, State of New Jersey, do hereby certify the foregoing to be a true and correct copy of an Ordinance which was introduced by the Mansfield Township Committee, County of Burlington, State of New Jersey at their regular meeting held on June 16, 2021 at 7:00 PM with a Second Reading, public hearing and final adoption held on July 21, 2021 at 7:00 PM.

LINDA SEMUS, RMC, CMR
Municipal Clerk