

**AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF  
UTILITY EASEMENTS**

**WHEREAS, N.J.S.A. 40A:12-4 authorizes a municipality to acquire easements; and**

**WHEREAS, N.J.S.A. 40A:12-5 requires that the acquisition of easements by municipalities be accomplished by ordinance; and**

**WHEREAS, Wharton and Pondview Estates, Inc., have negotiated a mutually advantageous Water Service Agreement dated May 18, 2015 and amended July 18, 2016 setting forth the specific terms under which Wharton will serve as the purveyor of water to the Pondview Service Area;**

**WHEREAS, Pondview Estates, Inc., will execute a Grant of Utility Easement which provides at no cost to the Borough the permanent easement required by the Water Service Agreement aforesaid, subject to testing and dedication of the Water System to the Borough; and**

**WHEREAS, CCKK, LLC, and Pondview Estates, Inc., have each executed a Grant of Utility Easement at no cost to the Borough of a 30 foot wide utility easement for the uses and in the location described in said Easements; and**

**WHEREAS, it has been determined by the Governing Body that approving the acquisition of the Easements, unexecuted copies of which are attached hereto and made a part hereof by reference is in the best interest of the Borough and the residents thereof.**

**NOW, THEREFORE, BE IT ORDAINED, by the Governing Body of the Borough of Wharton, County of Morris, State of New Jersey as follows:**

**SECTION ONE. The Borough of Wharton is hereby authorized to accept the conveyances represented by the documents referenced herein.**

**After all requirements respecting the enactment of this ordinance have been fulfilled the Grants of Utility Easement shall be recorded in the Office of the Morris County Clerk.**

**SECTION TWO. The Mayor and Clerk and all other appropriate officers and employees of the Borough of Wharton are hereby authorized and directed to execute any and all documents and to take all actions necessary to effectuate the purposes of this Ordinance.**

**SECTION THREE. All Ordinances of the Borough of Wharton that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.**

**SECTION FOUR. If any section, subsection, clause, or phase 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 portions of this Ordinance.**

**SECTION FIVE. This ordinance is contingent upon receipt of all governmental and regulatory approvals as required by law.**

**SECTION SIX. This Ordinance shall take effect upon approval and publication as provided by law.**

**First Reading: August 14, 2017**

**Second Reading: September 11, 2017**

**ATTEST:**

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**Gabrielle Evangelista,  
Borough Clerk**

**BOROUGH OF WHARTON**

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**WILLIAM J. CHEGWIDDEN,  
MAYOR**