

RESOLUTION 2009 - 125

**COUNTY OF MORRIS
BOROUGH OF MOUNT ARLINGTON**

**RESOLUTION AUTHORIZING FORM OF
UTILITY EASEMENT WITH UNITED WATER**

WHEREAS, the Governing Body of the Borough of Mount Arlington had previously adopted Ordinance # 10-09 which authorized a utility easement to United Water of New Jersey, Inc.; and

WHEREAS, the Borough Attorney and Counsel for United Water of New Jersey Inc., have negotiated terms of an easement to be recorded in the County of Morris; and


WHEREAS, Ordinance # 10-09 at paragraph 4(d) requires the form of easement to be approved by resolution of the Governing Body; and

WHEREAS, the consent and easement shall take effect upon review and approval by the Board of Public Utilities.

NOW THEREFORE, BE IT RESOLVED by the Governing Body of the Borough of Mount Arlington as follows:

- 1) The form of easement attached hereto is approved as to form.
- 2) A copy of Ordinance #10-09, this resolution and form of easement shall be served upon the New Jersey Board of Public Utilities by United Water New Jersey Inc.
- 3) Once approved by the New Jersey Board of Public Utilities, a copy of this easement shall be recorded in the County of Morris as is provided by law.

I hereby certify this to be an accurate and true resolution as approved by the Mayor and Borough Council at a Meeting held on July 13, 2009.


Linda DeSantis, RMC
Borough Clerk

Prepared by: _____
THOMAS A. SEGRETO, Esq.

WATER UTILITY EASEMENT

KNOW ALL MEN BY THESE PRESENTS that the undersigned, **the Borough of Mount Arlington located at 419 Howard Boulevard, Mount Arlington New Jersey**, hereinafter referred to as the "Grantor", in consideration of the benefits accruing to the Grantor and to the public and One Dollar (\$1.00), do hereby grant and dedicate unto the **United Water, New Jersey Inc. 200 Old Hook Road, Harrington Park, New Jersey**, hereinafter referred to as the "Grantee", a perpetual Water Utility Easement across the Grantor's lands to allow the following:

- 1) United Water New Jersey Inc. is hereby given the consent and permission of the Borough of Mount Arlington to lay, maintain, and relay its water pipes, mains, connections, apparatus, and appurtenances beneath such public roads, streets, alleys, and places as it may deem necessary for its corporate purposes, subject to such additional approvals or consents as the law may require, within the lands and premises hereinafter designated and under all public roads, streets, alleys, or places abutting same, for the purpose of providing water service, viz:

All those tracts or parcels of lands shown on the Tax Map of the Borough of Mount Arlington and designated as Block 61, Lot 42.03; Block 72, Lots 1.01 and 1.02; Block 72.01, Lot 3; Block 82, Lots 1.01, 1.02, 1.03, and 1.04; Block 82.01, Lot 1; Block 83, Lots 9, 15.01, and 15.02; and 15.02; Block 83.01, Lot 1, Block 84, Lot 3, Block 72 Lot 2 and Block 72, Lot 3.

2. United Water New Jersey Inc. is hereby given the consent and permission of the Borough of Mount Arlington to lay, maintain, and relay its water pipes, mains, connections, apparatus, and appurtenances beneath such public roads, streets, alleys, and places as it may deem necessary for its corporate purposes, subject to such additional approvals or consents as the law may require, within the lands and premises hereinafter designated and

3. This Easement is for the benefit of the Grantor and further, nothing contained in this Water Utility Easement Agreement constituting restrictions and limitation upon use, shall apply to, affect or limit in any way whatsoever Grantor's unrestricted right and freedom to deal with the balance of the Property lying outside of the Water Utility Easement Area in any way whatsoever, nor restrict any uses or activities by Grantor therein and thereon.

4. The consent granted by this Ordinance is made expressly subject to the following conditions:

a. In the event that the Borough of Mount Arlington shall hereafter lawfully elect to alter or change the grade of any street, alley, or other public way within its jurisdiction, United Water New Jersey Inc. shall upon reasonable notice by the Borough, remove, relay, or relocate its water mains, services pipes, manholes, and other fixtures at its own expense.

b. In case of any disturbance of pavement, sidewalk, driveway, or other surfacing of any public street, road, highway, or other public place, caused by United Water New Jersey Inc., (or anyone on United Water New Jersey's behalf) United Water New Jersey Inc. shall at its own cost and expense, and in a manner approved by the Borough Engineer, replace and restore all paving, sidewalks, driveways, and other surfaces of any street, road, highway, or other public place disturbed, in as good condition as before said work was commenced, and shall maintain the restoration in an approved condition for a period of six (6) months.

5. Prior to any disturbance of pavement, sidewalk, driveway, or other surfacing of any public street, road, highway, or other public place, caused by United Water New Jersey Inc., (or anyone on United Water New Jersey's behalf), United Water shall provide the Mount Arlington Superintendent of Public Works and Borough Clerk, notice of its intention to disturb pavement, sidewalk, driveway, or other surfacing of any public street, road, highway, or other public place, 30 days prior such scheduled disturbance except in the case of an emergency. In the case of an emergency, where notice is impossible or impracticable under the emergent circumstances, United Water New Jersey shall provide Mount Arlington with a Post emergency Notice within forty eight (48) hours of the disturbance. Notice of intended disturbance or Post emergency disturbance shall be served by an authorized representative of United Water New Jersey upon the Mount Arlington officers identified herein and shall identify

United Water New Jersey has not been granted a property interest in the lands which are the subject of this Easement Agreement nor is United Water New Jersey entitled to access said Easement except as set forth herein. United Water New Jersey's property interest shall be limited to the rights conveyed pursuant to this Easement United Water New Jersey may not, however unreasonably interfere with the Grantor's use of the property.

IN WITNESS WHEREOF, the said Grantor and Grantee have hereunto set their hands and seals, or caused these presents to be signed by the property corporate officer and caused their proper corporate seal to be hereto affixed this _____ day of _____, 2009.

BOROUGH OF MOUNT ARLINGTON

Witness

ACKNOWLEDGEMENT

STATE OF NEW JERSEY:

SS:

COUNTY OF MORRIS:

I CERTIFY that on _____, 2009, _____ personally came before me and acknowledged under oath, to my satisfaction, that this person:

- (a) is named in and personally signed this document; and
- (b) signed, sealed and delivered this document as his act and deed.

Notary Public of New Jersey

UNITED WATER NEW JERSEY, INC.

Witness

ACKNOWLEDGEMENT

STATE OF NEW JERSEY:

SS:

COUNTY OF MORRIS:

I CERTIFY that on _____, 2009, _____ personally came before me and acknowledged under oath, to my satisfaction, that this person:

WATER UTILITY EASEMENT

Borough of Mount Arlington - Grantor

to

United Water New Jersey, Inc. - Grantee

Dated: _____

RECORD AND RETURN TO: Scarinci Hollenbeck, LLC
1100 Valley Brook Avenue
Lyndhurst, NJ 07071
Attn: Matthew Giacobbe, Esq.

May 15, 2009

DESCRIPTION OF 3 PROPOSED 20 FOOT WIDE WATER EASEMENTS SITUATED IN THE BOROUGH OF MOUNT ARLINGTON, MORRIS COUNTY, NEW JERSEY.

BEING 3 strips of land 20 feet wide to be used as a water service easement, said easements to be centered on water mains to be constructed in the future in Trailwood Drive, Dawes Way and Elizabeth Way as shown on plans entitled " Preliminary and Final Site Plans for Water Storage Tank, Block 72, Lot 1.01 and Block 61, Lot 42.03, Borough of Mount Arlington, Morris County New Jersey" Sheet 4 of 9, dated February 9, 2009 and revised through March 10, 2009 and prepared by Omland Engineering Associates, Inc. and on map entitled "Shadow Woods Final Plat, Block 72, Lots 1 & 3, Block 82, Lot 1, Block 83, Lots 9, 12 & 15, Borough of Mt. Arlington, Morris County, New Jersey" dated 2-28-08 and filed in the Morris County Clerk's Office on 4-02-08 as Map Book 00007, Pg 0050, File No. 2008024107, the centerline of which is more particularly described as follows:

Water Easement #1

BEGINNING at a point in the intersection of said Trailwood Drive and Orben Drive and running; Thence

- 1) By a new line in said Trailwood Drive, southeasterly, 845 feet, more or less to the division line between the southeasterly terminus of Trailwood Drive and Tax Lot 42.03, Block 61 and there to end.

Water Easement #2

BEGINNING at a point in the southeasterly sideline of said Dawes Way more or less where same is intersected by the division line between Lots 1.01 and 1.02 as shown on said maps, and running; Thence

- 1) By a new line in said Dawes Way, northwesterly, 15 feet, more or less to an angle point in same; Thence
- 2) Still by a new line in said Dawes Way, southwesterly, 628 feet, more or less to a point in Trailwood Drive where said water main intersects the water main to be constructed in Water Easement #1 described herein and there to end.

Water Easement #3

BEGINNING at a point in the intersection of Trailwood Drive and Elizabeth Way, said point being where the water main to be constructed in Elizabeth Way intersects the water main to be constructed in Water Easement #1 described herein and running; Thence

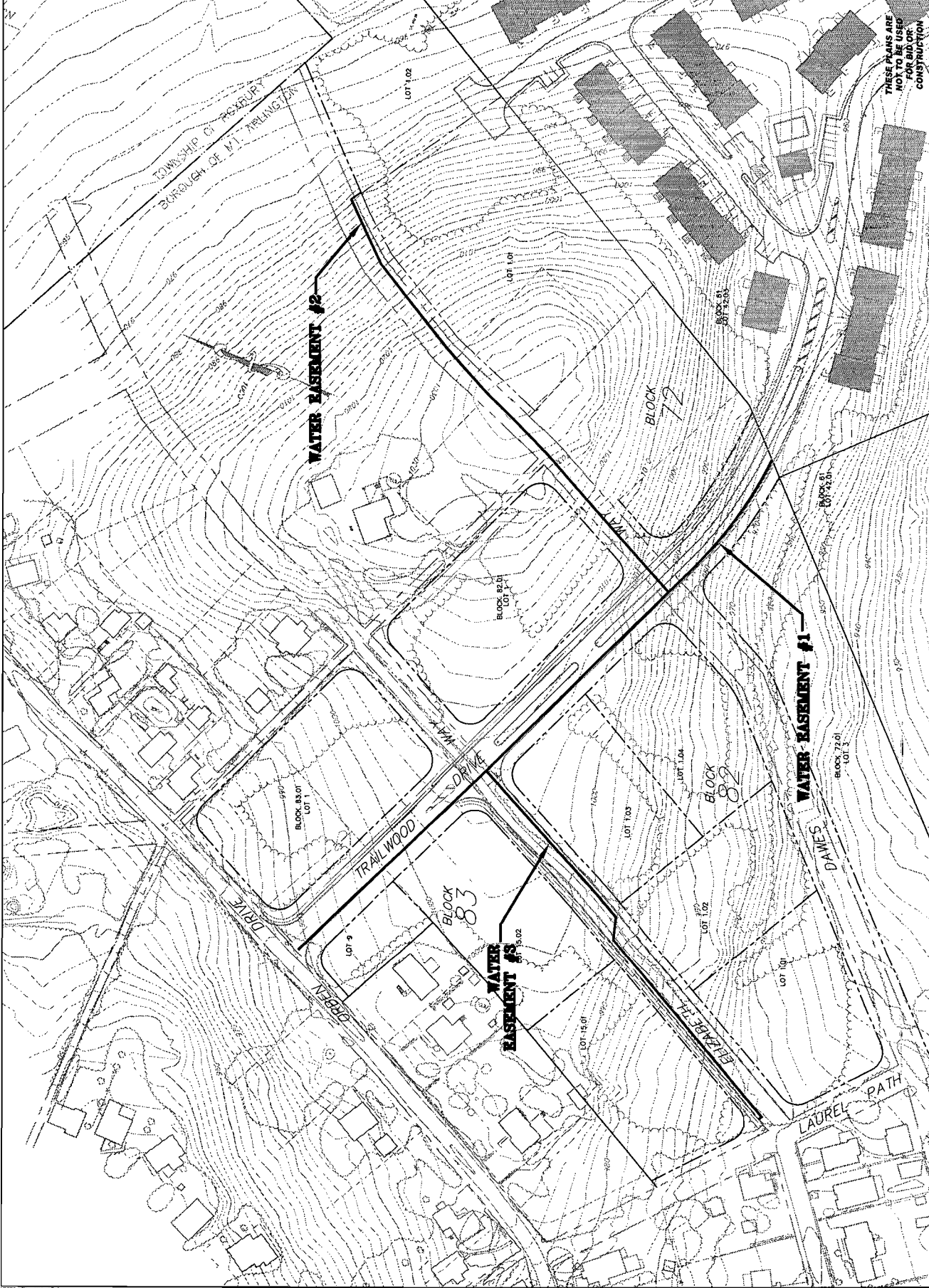
- 1) By a new line in said Elizabeth Way, southwesterly, 565 feet, more or less to a proposed fire hydrant and there to end.

Together with strips of land 20 feet wide to run to the respective right of way lines, also to be used for a water easements, said easements to be centered on water mains and/or service connections for individual dwellings, hydrants and/or water system infrastructure, all as to be constructed in the future. Subject to easements and restrictions of record. All in accordance with maps recited herein.

This description prepared by:

David B. Dixon, PLS Lic. 27282
Omland Engineering Associates, Inc.

	7	REVISIONS 1 2 3 4 5 6 7 8	DATE: 03/13/08 SCALE: 1"=50' PROJ.: 030902.1 DROW:	OMLAND ENGINEERING ASSOCIATES, INC. 24 HANOVER ROAD SUITE 100 WASHINGTON, NJ 07095 TEL: 908-833-8300 FAX: 908-833-8302 E-MAIL: info@omland.com www.omland.com	WATER EASEMENT WORKING MAP MORRIS COUNTY, NEW JERSEY TOWNSHIP OF MOUNTAIN VIEW BOROUGH OF MOUNTAIN VIEW	SHEET NO. 1 1 1
	8					
	9					



THESE PLANS ARE NOT TO BE USED FOR BIDDING OR CONSTRUCTION