

**ORDINANCE NO. 3750**

**AN ORDINANCE GRANTING MUNICIPAL CONSENT TO NEW JERSEY AMERICAN WATER COMPANY, INC. TO PERMIT THE CONSTRUCTION, EXPANSION AND MAINTENANCE OF WATER FACILITIES ON PUBLIC PROPERTY IN THE TOWNSHIP OF FRANKLIN IN ORDER TO FURNISH WATER SERVICE TO BLOCK 516, LOTS 7.01 AND 11.01**

**SUMMARY**

An ordinance granting municipal consent to New Jersey American Water Company, Inc. to extend water service and its facilities in the Township of Franklin in order to provide water services to sites known as Block 516, Lots 7.01 and 11.01 (Schoolhouse, Randolph and Weston Canal Roads area) and owned by Enterprise Infrastructure Holdings.

**WHEREAS**, the Township of Franklin (“Township”), Somerset County, New Jersey is desirous of providing water services to sites known as Block 516, Lots 7.01 and 11.01 (Schoolhouse, Randolph and Weston Canal Roads area) and owned by Enterprise Infrastructure Holdings; and

**WHEREAS**, New Jersey American Water Company, Inc. (“Company”) is a regulated public utility corporation of the State of New Jersey presently seeking the municipal consent of the Township to permit said Company to extend water service and its facilities in the Township; and

**WHEREAS**, the Company has requested the consent of the Township as required by N.J.S.A. 48:19-17 and 48:19-20, as amended, to lay its pipes 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 said privilege (except fees for road opening permits shall be paid), 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 hydrants on and along roads, streets and places in the Township at locations necessary to provide water service to Block 516, Lots 7.01 and 11.01 to be agreed to between the Township and the Company; and

**WHEREAS**, it is deemed to be in the best interest of the citizens of the Township with regard to the entire municipality to provide this consent;

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF FRANKLIN IN THE COUNTY OF SOMERSET, NEW JERSEY AS FOLLOWS:**

**SECTION I** – That the Township hereby grant to the Company, its successors and assigns, in perpetuity, the municipal consent required under the provisions of N.J.S.A. 48:19-17 and 48:19-20, as amended without charge therefore, (except fees for road opening permits shall be paid) as the same may be required in order to permit the said Company to add to, extend, operate and maintain said water facilities on public property in order to provide water service to Block 516, Lots 7.01 and 11.01. The privilege granted herein shall include the construction, installation and maintenance of hydrants on and along the Township’s roads, streets and places at locations as the Township shall designate from time to time. Township hereby agrees to pay to the Company the filed tariff rates for public fire protection service rendered through said hydrants.

**SECTION II** – That a certified copy of this Ordinance, upon final passage, shall be sent to the Company, the New Jersey Department of Environmental Protection and the Board of Public Utilities of the State of New Jersey.

**SECTION III** – That the consent granted herein shall be subject to the Company complying with the applicable Township, 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 the Clerk of the Township be authorized to execute the documents and agreements necessary to effectuate the municipal consent and to protect the rights of the public involved.

**SECTION IV** – If a section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not effect the validity of the remaining portions hereof.

**SECTION V** – This ordinance shall take effect upon publication and as provided by law.

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This is a true copy of an ordinance adopted by the Township Council Township of Franklin, Somerset County, New Jersey.

Introduced: March 11, 2008  
Public Hearing: April 8, 2008  
Adoption: April 8, 2008  
Notice of Adoption: April 17, 2008  
Effective Date: April 28, 2008

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Ann Marie McCarthy, Township Clerk