

AN ORDINANCE AUTHORIZING THE BOROUGH OF WHARTON TO PROVIDE DIRECT WATER SERVICE TO CERTAIN PROPERTIES LOCATED IN THE TOWNSHIP OF ROCKAWAY AND AUTHORIZING THE ACCEPTANCE OF CERTAIN WATER LINES AND APPURTENANCES BY THE BOROUGH OF WHARTON

WHEREAS, the Borough of Wharton ("Wharton") owns and operates a potable water supply system servicing retail and wholesale users within and without the corporate boundaries of Wharton;

WHEREAS, pursuant to an Agreement dated December 17, 1992 the Township of Rockaway ("Rockaway") purchases water from Wharton and resells that water to certain properties located along West Union Turnpike, Woodport Road and Route 15 as more particularly described hereinafter (the "West Union Turnpike Service Area");

WHEREAS, Wharton seeks to provide water service directly to the properties located in the West Union Turnpike Service Area, as opposed to selling the water to Rockaway for resale to those properties, and also seeks to provide retail water service directly to property owned by Pondview Estates, Inc. ("Pondview Service Area") known as Block 11501, Lots 41, 45 and 47 and Block 11502, Lot 2 on the Official Tax Map on the Township of Rockaway;

WHEREAS, Wharton and Pondview Estates, Inc, have negotiated a mutually advantageous Water Service Agreement dated May 20, 2015 setting forth the specific terms under which Wharton will serve as the purveyor of water to the Pondview Service Area;

WHEREAS, N.J.S .A. 40A:31-23 of the County and Municipal Water Supply Act provides that water supply services cannot be provided to users in another municipality without the prior approval of the governing body of that other municipality; and

WHEREAS, Rockaway proposes to grant the necessary approval to allow Wharton to provide water service directly to the properties located in the West Union Turnpike Service Area and the Pondview Service Area and to authorize the conveyance of certain water lines and appurtenances to Wharton.

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 hereby agrees to provide direct water service to the following properties located in the Township of Rockaway:

WEST UNION TURNPIKE SERVICE AREA

<u>Block</u>	<u>Lot</u>
1501	1
1501	3
1501	5
1501	6
11501	7
11501	7.01
11501	8
11501	9
11501	9.01
11501	10
11501	11
11501	12
11501	13
11501	15
11501	16
11501	17
11501	18
11501	19
11501	20
11501	21
11501	22
11501	23
11501	25
11501	26
11501	27
11501	28
11501	31
11501	34
11501	35
11501	37
11501	38
11501	39
11501	40
11501	42
11502	1
11502	3
11509	2
11511	1

PONDVIEW SERVICE AREA

<u>Block</u>	<u>Lot</u>
11501	41
11501	45
11501	47
11502	2

SECTION TWO. Wharton is hereby authorized to accept the conveyance of all water lines and appurtenances owned by Rockaway and used to convey and distribute water to the West Union Turnpike Service Areas users for the nominal consideration of ONE DOLLAR (\$1.00).

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

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

First Reading: August 17, 2015
Second Reading: September 14, 2015

BOROUGH OF WHARTON

ATTEST:

WILLIAM J. CHEGWIDDEN,
MAYOR

Gabrielle Evangelista,
Borough Clerk