

**TOWNSHIP OF DOWNE  
CUMBERLAND COUNTY, NEW JERSEY**

**ORDINANCE NO. 2020-2**

**AN ORDINANCE AUTHORIZING INSTALLATION, OPERATION AND MAINTENANCE  
RELATED ACCESS FOR PURPOSES OF THE DOWNE TOWNSHIP SEWER PROJECT**

**WHEREAS**, the Township Committee of the Township of Downe has worked with its Engineers and Consultants for purposes of seeking to bring about a solution oriented proposal for purposes of provision of sewer service to the Township of Downe to be located in the Village for Fortescue in its first phase; and

**WHEREAS**, it shall be necessary for the Township of Downe, its Engineers, Inspectors, Surveyors and Contractors to access property owned by individuals in the Village of Fortescue for purposes of the design, installation, operation and maintenance of sewer service from the main sewer service line in the road nearest all properties to be sewerred in the Village of Fortescue with the easements providing access to the individual properties so that the property improvements can be connected to the Township sewer system; and

**WHEREAS**, for purposes of the design, installation, operation and maintenance and repair, it shall be necessary for the Township of Downe and its Representatives and Engineers to have access for purposes of all activities related to the sewer plan a copy of this Ordinance shall be forwarded to all known affected property owners owning ground in the Village of Fortescue, Township of Downe, County of Cumberland and State of New Jersey via regular and certified mail per the list attached (A) for purposes of alerting them of the proposed impact upon their property which the Downe Township sewer design, installation, operation and maintenance shall have upon affected properties and such notice shall further be provided by publication of this Ordinance for purposes of alerting all affected property owners; and

**WHEREAS**, a copy of a sample easement which is proposed for the sole purpose of the design, installation, operation and maintenance of sewer facilities for the Village of Fortescue and Township of Downe is annexed hereto as Exhibit B by way of example and not limitation of the proposed easement dimensions; and

**WHEREAS**, it is determined by the Township of Downe that all incursions onto private property shall be as limited as possible for purposes of a direct access connection from the roadway carrying sewer direct to the portion of the home nearest the sewerred roadway.

**THE TERMS OF THIS EASEMENT** are as follows:

1. Grantee is permitted to place, construct, install, operate, maintain and inspect a sewer line within the easement area across the affected lands as is set forth herein provided that (a) all such facilities

shall be constructed and installed upon the affected lands, (b) all such facilities shall be kept in good repair and operating condition, (c) any plants, shrubs and other growth located on the affected lands shall not be disturbed unless necessary by such construction and installation, (d) any structures located on the affected lands shall either not be disturbed by such construction and installation, or, if disturbed, shall promptly be repaired and (e) the affected lands shall in all other respects be restored to the condition existing immediately prior to such construction and installation as near as possible.

2. Grantor shall not plant any shrubs, trees or other growth and/or install any fences, poles or placement of other structures in the proposed easement area.

3. Upon reasonable notice to Grantor, Grantee shall have the right of ingress and egress to and over the affected lands at any time reasonably necessary for the purpose of constructing, repairing or inspecting the said sewer line and for doing anything reasonably necessary, useful or convenient for the enjoyment of the subject specific limited easement. Grantee shall use its best efforts during the performance of any such work to minimize interference with Grantor's use and enjoyment of the affected lands.

4. Grantee shall have the right to remove or replace at any time any or all of the sewer line improvements erected on affected lands subject to the same obligations either not to disturb or to replace in like kind any structures, plants, shrubs or other growth then located on the affected lands and to otherwise restore the affected lands to the condition existing immediately prior to such removal.

5. Cautionary Note as to Access: It is specifically disclosed by Downe Township that due to the nature of the catchment and pumping system, there will be portions of the basin and pump that will not bear the weight of a vehicle. Damage done through the crushing of sewer related piping and systems will not be the responsibility of Downe Township.

6. Owners' Responsibility for Power: Owner shall be responsible to provide 240 volt power to side of home where pump is to be located and provide an outdoor circuit breaker box.

**THIS EASEMENT** and the rights and obligations hereunder shall run with the land and be binding upon all the parties hereto, their successors, heirs, transferees and assigns.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Downe, County of Cumberland and State of New Jersey that upon full formal advertisement, including mailing via regular and certified mail to all impacted property owners on the list (a true and correct copy of the list is attached as A), and adoption of this Ordinance, that the sample easement which is proposed for the sole purpose of design, installation, operation and maintenance of sewer facilities for the Village of Fortescue and the Township of Downe (a true and correct copy of which is attached hereto as B) shall be obtained for the sole purpose of the design,

installation and operation of sewer by the Municipal Authority of the Township of Downe for so long as such easement area is necessary for said purpose.

**Section One. Repealer.** All former Ordinances of the Township of Downe which are in conflict with the provisions contained in this Ordinance are hereby repealed upon the adoption of this Ordinance.

**Section Two. Severability.** If any part or parts of this Ordinance are held to be invalid for any reason such decision shall not affect the validity of the remaining portions of this Ordinance.

**Section Three.** This Ordinance shall take effect after final approval and publication as required by law.

TOWNSHIP OF DOWNE

BY: \_\_\_\_\_  
Robert Campbell, Mayor

\_\_\_\_\_  
Nadine E. Lockley, Municipal Clerk

STATE OF NEW JERSEY :  
: ss  
COUNTY OF CUMBERLAND :

Please take notice that the above Ordinance was adopted after a Public Hearing at a meeting of the Downe Township Committee on the 9th day of March, 2020 at the Downe Township Municipal Building in Newport, New Jersey.

ATTEST

\_\_\_\_\_  
Nadine E. Lockley, Municipal Clerk



**TOWNSHIP OF DOWNE**  
**CUMBERLAND COUNTY, NEW JERSEY**  
**RECORD FOR ORDINANCE # 2020-2**

**Introduce Ordinance on First Reading**

**Motion: BURT**

**Second: BYRNE**

Introduce Ordinance / First Reading Date: FEBRUARY 18, 2020

Ordinance Published: FEBRUARY 21, 2020

Ordinance Posted: FEBRUARY 18, 2020

Public Hearing / Second Reading Date: MARCH 9, 2020

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Burt, S.	X			
Byrne, S.	X			
Rothman, M.	X			
Bart, E.				X
Campbell, R.	X			

**Adoption of Ordinance**

**Motion: BYRNE**

**Second: BURT**

ROLL CALL	YES	NO	ABSTAIN	ABSENT
Burt, S.	X			
Byrne, S.	X			
Rothman, M.	X			
Bart, E.				X
Campbell, R.	X			

Final Adoption Date: MARCH 9, 2020

Notice of Final Passage Published: MARCH 13, 2020

Notice of Final Passage Posted: MARCH 10, 2020

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Date

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Nadine E. Lockley, Municipal Clerk