

NOTICE OF PENDING ORDINANCE

ORDINANCE NO. 09-1280

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Borough Council of the Borough of Tinton Falls, in the County of Monmouth, State of New Jersey, held on October 6, 2009. This Ordinance will be further considered for adoption, after the public hearing is held thereon, at a meeting of the Borough Council to be held on Tuesday, October 20, 2009, in the Municipal Center, 556 Tinton Avenue, Tinton Falls, NJ beginning at 7:30 o'clock P.M. During the week prior to and up to and including the date of such meeting, copies of said Ordinance will be made available in the Clerk's Office to the members of the general public who shall request the same.

KAREN MOUNT-TAYLOR, RMC, CMC

AN ORDINANCE ACCEPTING THE DEDICATION OF SANITARY SEWER LINE EASEMENTS AND RELATED IMPROVEMENTS ON BLOCKS 135, LOTS 1.01, 4, AND 6.01 AND BLOCK 150B, LOTS 12 AND 13 IN THE BOROUGH OF TINTON FALLS, COUNTY OF MONMOUTH, STATE OF NEW JERSEY

WHEREAS, the Borough of Tinton Falls ("Borough"), Hovtown, Inc ("Hovtown") and Robert Carton entered into an Agreement, dated as of December 27, 1985 relating to the development and construction of certain sewer facilities (the "1985 Sewer Agreement"); and,

WHEREAS, CPG Tinton Falls Urban Renewal, LLC ("CPG") succeeded to the interests of Robert carton and entered into a Sewer facilities Development Agreement between CPG, Hovtown and the Borough, dated on or about November 13, 2006 (the "Sewer facilities Development Agreement"), pursuant to which the rights and obligations of Hovtown and CPG were modified; and,

WHEREAS, CPG has completed the construction and installation of certain sewer facilities contemplated by the 1985 Sewer Agreement and the Sewer facilities Development Agreement and the parties intend to dedicate such facilities and easements related thereto to the Borough of Tinton Falls and it is in the interest of the Borough to accept the dedication as the improvements benefit the municipal utility system,

NOW THEREFORE BE IT ORDAINED by the Borough Council of the Borough of Tinton Falls in the County of Monmouth, State of New Jersey as follows:

1. That the Borough accepts the dedication of the sewer facilities, equipment, easements and all real and personal property incident thereto and designated as the "Shared Facilities" under the 1985 and 2006 Agreements noted herein.
2. That the Mayor and Borough Clerk are authorized to record such Deeds of Easement and an acknowledged copy of this Ordinance, as may be deemed appropriate by the Director of Law.
3. That the Borough expressly acknowledges the right, but not the obligation of Hovtown, to upgrade any necessary pumps, pump impellers and/or other necessary equipment at no cost to the Borough as contemplated by Section 13 of the Sewer Facilities Development Agreement noted herein.
4. Severability. If any section, paragraph, sentence, clause, phrase, term, provision or part of this Ordinance shall be adjudged by a court of competent jurisdiction to be invalid or unenforceable for any reason, such judgment shall not affect, impair, or invalidate the remainder hereof, but shall be confined in its operation to the section, paragraph, sentence, clause, phrase, term, provision or part hereof directly involved in the controversy in which such judgment shall have been rendered.
5. Repealer. Any and all other Ordinances inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

This Ordinance shall become effective twenty (20) days after it has been adopted and published in accordance with applicable law.

