

TOWNSHIP OF MANALAPAN

ORDINANCE NO. 2025-01

AN ORDINANCE GRANTING CONSENT AND PERMISSION TO VEOLIA WATER NEW JERSEY, INC., TO FURNISH WATER SERVICE IN MANALAPAN TOWNSHIP, NEW JERSEY

WHEREAS, Manalapan Township, County of Monmouth and State of New Jersey (the "Township"), hereby grants consent and permission to Veolia Water New Jersey, Inc., "Veolia", a New Jersey Corporation to furnish water service within the Township (collectively the "System"); and

WHEREAS, Veolia is in the process of acquiring the System, which has been approved by the voters of the Township on November 5, 2024, pursuant to N.J.S.A. 40:62-5; and

WHEREAS, the Township is desirous of having Veolia acquire the System; and

WHEREAS, Veolia is a regulated public utility corporation of the State of New Jersey presently seeking the municipal consent of the Township to permit Veolia to provide water service through the System; and

WHEREAS, Veolia has requested the consent of the Township as required by N.J.S.A. 48:19-17 and 48:19-20, as amended, to, within the Franchise Area (as defined below), 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 that fees for road opening permits shall be paid), provided that all said pipes installed after the date of this ordinance 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

WHEREAS, it is deemed to be in the best interests of the citizens of the Township to provide this consent; and

WHEREAS, notice of this Ordinance was published in accordance with the requirements of N.J.S.A. 48:3-13 and N.J.S.A. 48:3-14; and

WHEREAS, the Township Committee has concluded that granting of said consent shall enhance the health, safety and welfare of the citizens of the Township.

NOW THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COMMITTEE AS FOLLOWS:

Section 1. That exclusive and perpetual consent and permission to furnish water services within the Manalapan Township Water System Franchise area (as set forth in Exhibit A-1 hereto) (the "Franchise Area") to the Township and all residents, businesses and government buildings therein is hereby given and granted to Veolia, its successors and assigns for the maximum duration permitted by law, subject to the permission by the Board of Public Utilities of the State of New Jersey.

Section 2. That exclusive consent and permission is given to Veolia, its successors and assigns, under the provisions of N.J.S.A. 48:19-17 and N.J.S.A. 48:19-20, as amended, without charge therefore, (except fees for road opening permits which shall be paid) as the same may be required in order to permit Veolia to own and operate the System, add to, extend, replace, operate and maintain said System in the Franchise Area in order to provide said water service. This shall include permission to lay pipes beneath the public roads, streets, public property and public places in the Franchise Area.

Section 3. That a certified copy of this Ordinance, upon final passage, shall be sent to Veolia, the New Jersey Department of Environmental Protection and the Board of Public Utilities of the State of New Jersey.

Section 4. That the consent granted herein shall be subject to Veolia complying with all applicable laws of the Township and/or the State of New Jersey including, but not limited to, any and all applicable statutes and administrative agency rules and/or regulations and contingent upon the Township and Veolia executing the Agreement of Sale Between Manalapan Township and Veolia as the same may be amended from time to time.

Section 5. The Mayor and the Township Manager are authorized to execute the documents and agreements necessary to effectuate this municipal consent.

Section 6. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

Section 7. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

BE IT FURTHER ORDAINED, that if any portion of this Ordinance shall be declared invalid as a matter of law, such declaration shall not affect the remainder of said Ordinance; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication.

NOTICE OF PUBLIC HEARING

The Ordinance published herewith was introduced and approved at a meeting of the Township Committee of the Township of Manalapan held on January 29, 2025 and will be further considered for final passage after a Public Hearing thereon before the Township Committee of the Township of Manalapan during a meeting to be held on February 26, 2025 at the Municipal Complex, 120 Route 522 and Taylors Mill Road, Manalapan, New Jersey at 7:30 p.m. or as soon thereafter as the matter may be reached, or at any meeting to which that meeting may be adjourned, at which time any and all persons who may be interested therein will be given an opportunity to be heard. The proposed Ordinance in its entirety is on file in the Municipal Clerk's Office and copies may be obtained without charge between the hours of 8:30 a.m. and 4:30 p.m. Monday through Friday. A complete copy may also be obtained from the Manalapan Township web-site www.mtnj.org by clicking on the Ordinance title listed on the Agenda posted for the Township Committee meeting of February 26, 2025.



SHARI ROSE, RMC
Municipal Clerk

EXHIBIT A-1

Franchise Areas






Manalapan Twp. Boundary

**Gordon's Corner
System Franchise**

**Manalapan Township
Water System Franchise**

Legend

PROVIDER

-  Gordon's Corner Water Company
-  Manalapan Twp. Water System
-  Englishtown Boro

1 0.5 0 1 Mile

Sources: Esri, HERE, Garmin, Intermap, increment P Corp., GEBCO, USGS, FAO, NPS, NRCAN, GeoBase, IGN, Kadaster NL, Ordnance Survey, Esri Japan, METI, Esri China (Hong Kong), (c) OpenStreetMap contributors, and the GIS User Community