

**BOROUGH OF OAKLAND
ORDINANCE NO. 22-CODE-881**

**AN ORDINANCE OF THE MAYOR AND COUNCIL OF
THE BOROUGH OF OAKLAND, IN THE COUNTY OF
BERGEN, STATE OF NEW JERSEY, PROVIDING FOR
THE MUNICIPAL CONSENT OF THE BOROUGH FOR
SUEZ WATER NEW JERSEY INC., TO PROVIDE WATER
SERVICE TO BLOCK 4202, LOTS 1, 2 AND 3 IN THE
BOROUGH OF OAKLAND AND FOR THE LAYING OF
PIPES AND THE INSTALLATION OF OTHER UTILITY
FACILITIES AS MAY BE NECESSARY.**

WHEREAS, certain property designated as Block 4202, Lots 1, 2 and 3 on the Borough of Oakland Tax Assessment Map (the "Property") have historically received water service from wells and the Property is to be developed with multi-family residential housing as part of the Borough's affordable housing compliance plan; and

WHEREAS, the provision of water services to the Property is in the best interest of the Borough and its citizens; and

WHEREAS, SUEZ Water New Jersey Inc., ("SUEZ") is a New Jersey Public utility corporation providing water service to certain areas within the State of New Jersey, including within the adjacent Borough of Franklin Lakes; and

WHEREAS, pursuant to a Settlement Agreement dated July 10, 2019, the Borough has agreed to permit water service to the property by SUEZ; and

WHEREAS, SUEZ desires to secure the consent of the Borough to (i) provide water service to the Property, and (ii) to lay water pipes beneath such public roads, streets, alleys and places adjacent thereto as it may deem necessary for its corporate purpose to provide water service to the Property.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Oakland in the County of Bergen and State of New Jersey as follows:

Section 1.

1. SUEZ is hereby given the consent and permission of the Borough of Oakland to provide water service to the aforesaid Property and to lay, maintain and relay its water pipes, mains, connections, apparatus and appurtenances beneath such public roads, streets, alleys and places as it may deem necessary in the future for its corporate purposes, subject to such additional approvals or consents as the law may require, within the lands and premises hereinafter designated and under all

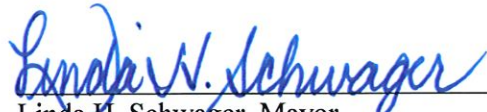
public roads, streets, alleys or places abutting same for the purpose of providing water service to:

- a. All those tracts or parcels of lands shown on the Tax Assessment Map of the Borough of Oakland and designated as Block 4202, Lots 1,2, and 3.
2. The consent granted by this Ordinance is made expressly subject to the following conditions:
- a. In the event that the Borough of Oakland shall hereafter lawfully elect to alter or change the grade of any street, alley or other public way within its jurisdiction, SUEZ shall upon reasonable notice by the Borough, remove, relay or relocate its water mains, service pipes, manholes and other fixtures at its own expense.
 - b. In case of any disturbance of pavement, sidewalk, driveway or other surfacing of any public street, road, highway or other public places cause by SUEZ, SUEZ shall, at its own costs and expense and in a manner required by the Borough Code and as approved by the Borough Engineer, replace and restore all paving, sidewalks, driveways and other surfaces of any street, road, highway or other public places disturbed in as good condition as before said work was commenced.
 - c. This consent shall take effect upon the approval of the Board of Public Utilities as required by law.

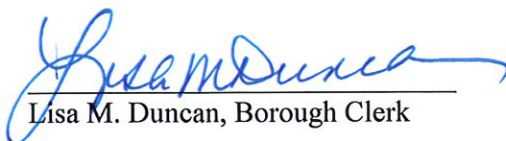
Section 2. Should any part, portion or provision of this ordinance be held unconstitutional or invalid, such decision shall not affect the validity of this ordinance as a whole, or any other part thereof.

Section 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Section 4. This ordinance shall take effect immediately upon publication and final passage according to law.


Linda H. Schwager, Mayor

ATTEST:


Lisa M. Duncan, Borough Clerk

This is to certify that this is a true copy
as adopted by the Mayor and Council
of the Borough of Oakland at a meeting
held on April 13, 2022
Borough Clerk 