

AN ORDINANCE APPROVING AN AGREEMENT BETWEEN THE TOWNSHIP OF SPARTA AND VILLAGE UTILITY LLC, GRANTING TO VILLAGE UTILITY LLC A FRANCHISE TO SERVE AND MUNICIPAL CONSENT AND PERMISSION TO CONSTRUCT, OPERATE AND MAINTAIN WASTEWATER FACILITIES IN THE TOWNSHIP ROADS AND RIGHTS OF WAY.

WHEREAS, Village Utility LLC, proposes to provide wastewater services within the development being constructed by CC Holdings LLC (“the Developer”) referred to as “North Village at Sparta” on the properties designated as Tax Block 16001, Lots 4, 8 and 9, (the “Project”) pursuant to rates and tariffs approved by the New Jersey Board of Public Utilities; and

WHEREAS, the Sparta Township Council has determined that the provision of such services would best be accomplished by a method which does not involve public funds and does not impose any financial or other liability and/or responsibility on the Township of Sparta; and

WHEREAS, Village Utility LLC will retain a licensed operator having significant experience as the operator of wastewater utilities that holds all of the required licenses and permits and has been approved by the New Jersey Board of Public Utilities, and

WHEREAS, the Sparta Township Council based on the representations and information supplied by Village Utility LLC is in agreement that Village Utility LLC shall provide wastewater services to the Project; and

WHEREAS, the Sparta Township Council has the authority to authorize the Agreement Between the Township of Sparta and Village Utility LLC, Granting the Franchise to Serve and Municipal Consent and Permission to Construct, Operate and Maintain Wastewater Facilities in the Township Roads and Rights of Way (“Franchise Agreement”); (note that the roads in question are not currently owned by the Township of Sparta and will not be owned by the Township of Sparta unless and until the acceptance of the roads by the Township of Sparta, as provided for within Developer’s Agreement and Amendment between the Township of Sparta and CC Holdings LLC.

NOW, THEREFORE, BE IT ORDAINED by the Sparta Township Council as follows:

1. That the Franchise Agreement is hereby approved and the Mayor and Township Clerk of the Township of Sparta are hereby authorized to execute the Franchise Agreement between the Township of Sparta and Village Utility LLC.
2. That any other Township officials and professionals are hereby authorized and directed to take all actions that are necessary in order to effectuate the intentions of this Ordinance.
3. That all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies.
4. That this Ordinance shall take effect upon final passage and publication in accordance with the law. However, this Ordinance shall be void and of no effect in the event that Village Utility, LLC fails or refuses to sign the Franchise Agreement.

Severability. If any provision of this ordinance or the application of this ordinance to any person or circumstances is held invalid, the remainder of this ordinance shall not be affected and shall remain in full force and effect.

Repealer. All ordinances or parts of ordinances or resolutions inconsistent or in opposition to the provisions of this Ordinance are hereby repealed in their entirety.

Effective Date. This ordinance shall take effect after publication and passage according to law.

Notice

NOTICE is hereby given that the above ordinance was introduced and passed upon first reading at a meeting of the Mayor and Council of the Township of Sparta, in the County of Sussex, New Jersey, held on June 26, 2018. It will be further considered for final passage after public hearing at a meeting of the Mayor and Council to be held in the Municipal Building, 65 Main Street, in the Township of Sparta, on July 10, 2018, at 7:30 P.M., and during the preceding week copies of the ordinance will be made available at the Clerk's office in the Municipal Building to members of the general public.

BY ORDER OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF SPARTA

KATHLEEN CHAMBERS, RMC
TOWNSHIP CLERK

NOTICE

NOTICE is hereby given that the above entitled ordinance was introduced and passed at a meeting of the Township Council of the Township of Sparta, held at the Municipal Building, 65 Main Street, Sparta, NJ on June 26, 2018. The same came up for final passage and adoption at a meeting of the Township Council of the Township of Sparta, held on August 14, 2018 at 7:30 p.m. at the Municipal Building, 65 Main Street, Sparta, NJ and after all persons present were given an opportunity to be heard concerning the same, it was finally passed and adopted and will be in full force in the Township according to law. The above entitled ordinance had been previously tabled at the July 10 & 24, 2018 meetings.

KATHLEEN CHAMBERS, RMC
MUNICIPAL CLERK