

ORDINANCE #1399
OF THE TOWNSHIP OF HADDON, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, ACCEPTING DEDICATION OF A SANITARY SEWER FORCE MAIN CONSTRUCTED BY SKY KEY REAL ESTATE INVESTORS, LLC TO SERVICE REAL PROPERTY AT 106 WESTMONT AVENUE AND IMPLEMENTING A REQUIREMENT FOR A FAIR SHARE CONTRIBUTION FROM CERTAIN RESIDENTIAL PROPERTY OWNERS BENEFITTING THEREFROM, WHO ELECT TO CONNECT TO THE HADDON TOWNSHIP SEWER SYSTEM

WHEREAS, Haddon Township is the owner and operator of a Sanitary Sewerage Collection System in the Township of Haddon; and

WHEREAS, Sky Key Real Estate Investors, LLC provided for the installation of certain improvements, specifically a 2” diameter sanitary sewer force main from 106 Westmont Avenue (Block 20.13, Lot 30 on the Haddon Township Tax Map) to a manhole on Glenwood Avenue, to connect its residential dwelling to the Township sewer system; and

WHEREAS, Haddon Township has entered into a Recapture Agreement with Sky Key Real Estate Investors, LLC (“Recapture Agreement”), which provides, inter alia, for the reimbursement of fair share contributions from certain residential property owners benefitting therefrom, who elect to connect to the Township sewer system; and

WHEREAS, the *New Jersey Sewerage Authority Law, N.J.S.A. 40:14A-8(b)* and the decisional law interpreting same, expressly authorize the governing body of a municipality to impose the expense of installing off-site utility improvements, including public sanitary sewer improvements, on a developer who extends public utilities and also requires that the imposition of the cost of improvements on a developer be accompanied by provisions for partial reimbursement if the improvements specially benefit property other than that of the developer; and

WHEREAS, Haddon Township previously adopted Chapter 194 of the Township Code for the provision of sanitary sewer service within Haddon Township; and

WHEREAS, Haddon Township and Sky Key Real Estate Investors, LLC, with the assistance of the Township Utility Engineer, Gregory Fusco, P.E., has calculated the fair share pro rata allocation from future connections to the Township Sewer System by certain property owners who elect to connect to the Township sewer system as set forth in the Recapture Agreement; and

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Board of Commissioners of the Township of Haddon, County of Camden, State of New Jersey, as follows:

SECTION 1: Haddon Township hereby accepts dedication of the sewer improvements constructed Sky Key Real Estate Investors (i.e. specifically a 2” diameter sanitary sewer force main from 106 Westmont Avenue (Block 20.13, Lot 30) to a manhole on Glenwood Avenue.

SECTION 2: The fair share pro rata share cost to be contributed by each of the four third-party property owners who elect to connect to the Township sewer system (and benefit from the sewer improvements constructed by Sky Key Real Estate Investors) shall be \$5,453.00 as set forth in the Recapture Agreement, attached hereto and incorporated herein as Exhibit "A", in addition to any other connection fee required by law.

SECTION 3: All other Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 4: If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

SECTION 5. This Ordinance shall take effect upon passage and publication according to law.

THE TOWNSHIP OF HADDON

BY: _____

RANDALL W. TEAGUE, MAYOR

BY: _____

JAMES MULROY, COMMISSIONER

BY: _____

RYAN LINHART, COMMISSIONER

Adopted:

ATTEST:



JENAI JOHNSON, RMC - TOWNSHIP CLERK

The foregoing Ordinance was introduced by the Mayor and Commissioners at the regular meeting held on June 26, 2019. This Ordinance will be considered for adoption on final reading and public hearing to be held on July 23, 2019 at 7:00 p.m. in the Meeting Room, Haddon Township Municipal Building, 135 Haddon Avenue, Westmont, New Jersey.

The purpose of this Ordinance is to accept dedication of the sewer improvements constructed Sky Key Real Estate Investors (i.e. specifically a 2” diameter sanitary sewer force main from 106 Westmont Avenue (Block 20.13, Lot 30) to a manhole on Glenwood Avenue and provide for developer recapture from any property owners benefitting therefrom who elect to connection to the Haddon Township sewer system.

A copy of this Ordinance is available at no charge to the general public between the hours of 8:30 AM to 4:30 PM, Monday through Friday (Legal Holidays excluded), at the Office of the Township Clerk, Haddon Township Municipal Building, 135 Haddon Avenue, Westmont, New Jersey.