

RESOLUTION NO. 2021-172

**TOWNSHIP OF COLTS NECK RESOLUTION APPROVING AND
ENDORSING THE DELIVERY OF PUBLIC WATER SERVICE BY
GORDON'S CORNER WATER COMPANY TO PROPERTY
IDENTIFIED AS BLOCK 22, LOT 18 (F/K/A LOTS 11, 12, 13, AND 14)**

WHEREAS, Colts Neck Township ("Township"), is seeking compliance with its Mount Laurel constitutional obligation to provide its fair share of housing to those families with low and moderate incomes in the Declaratory Judgment Action docketed at MON-L-2234-15 ("DJ Action");

WHEREAS, the Township has agreed to satisfy a portion of its affordable housing obligation through the construction of a multi-family development with up to 360 total units with a 20% affordable housing set-aside ("Project") on real property located at Block 22, Lot 18 (f/k/a Lots 11, 12, 13, and 14) on the Official Tax Map of the Township (the "Project Site");

WHEREAS, the Township entered into two settlement agreements in the DJ Action agreeing to rezone the Subject Property to permit the Project, and to include the Project in the Township's Housing Element and Fair Share Plan, including a settlement agreement with the Project Site owner signed on or about March 19, 2020 ("Agreement");

WHEREAS, the Project Site requires public water service for potable water and fire protection to support the Project;

WHEREAS, in addition to the means provided for within the Agreement, the Project Site owner seeks the Township's approval for delivery of public water service exclusively to the Project Site and solely for the Project by virtue of a water service line, the diameter of which shall be minimized to the greatest extent possible, from Gordon's Corner Water Company ("Gordon's Corner"), an existing public water utility regulated by the New Jersey Board of Public Utilities ("NJBP") and the New Jersey Department of Environmental Protection ("NJDEP") with a franchise area in Marlboro Township adjacent to the above referenced Development.

WHEREAS, it is the Township's intent to permit the Project to receive public water service from Gordon's Corner Water Company necessary for construction of the Project, and will take such actions as may be reasonably necessary and legally required to permit said service;

WHEREAS, Gordon's Corner requires a resolution from the Township authorizing the limited expansion of the Gordon's Corner franchise area into Colts Neck Township exclusively to the Project Site and solely for the Project by virtue of a water service line, the diameter of which shall be minimized to the greatest extent possible, for the purpose of installing water facilities in public and private streets and right of ways to support the provision of water service to the Project. Schedule A shows the proposed limited franchise area, consisting of: (i) the Project Site; and (ii) the 50' wide School Road East right of way, beginning at the Township's boarder with Marlboro and extending to its intersection with Monmouth County Route 537, which may further extend along the Project Site frontage with Route 537. Schedule B describes that portion of the proposed limited franchise area consisting solely of the Project Site.


NOW THEREFORE, BE IT RESOLVED, that:

- 1) The recitals above are incorporated herein;
- 2) The Township hereby consents and authorizes the limited expansion of the Gordon's Corner franchise area into Colts Neck Township exclusively to the Project Site and solely for the Project by virtue of a water service line, the diameter of which shall be minimized to the greatest extent possible, to deliver public water to the Project as shown on Schedule A and described in Schedule B;
- 3) The Township further agrees to promptly take such other necessary and/or legally required actions to permit the limited expansion of the Gordon's Corner franchise area into Colts Neck Township exclusively to the Project Site and solely for the Project by virtue of a water service line, the diameter of which shall be minimized to

the greatest extent possible, to deliver public water to the Project, including but not limited to: introducing and adopting ordinance(s) consenting to the expansion of the franchise exclusively to the Project Site and solely for the Project by virtue of a water service line, the diameter of which shall be minimized to the greatest extent possible, and the right to use streets for submission and approval to the Board of Public Utilities; grant any easements that may be required, and; process and approve road opening permits that may be necessary and required for Gordon’s Corner to deliver public water to the Project;

I, Trina Lindsey, do hereby certify that the foregoing is a true and correct copy of the Resolution adopted by the Township Committee of Colts Neck Township, County of Monmouth, State of New Jersey, at a regular meeting of said Committee on September 8, 2021.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of Colts Neck Township in the County of Monmouth and the State of New Jersey, on this 8th day of September, 2021.



TRINA LINDSEY, RMC
Municipal Clerk

RECORD OF VOTE					
	M S	Yes	No	NV	Ab
Mayor Viola		X			
Deputy Mayor Bartolomeo			X		
Fitzpatrick	S	X			
Torchia Buss	M	X			
Rizzuto			X		
M - Moved S - Seconded X - indicates vote NV - Not Voting Ab - Absent					