

Resolution 23-006

RESOLUTION PARTIALLY VACATING UTILITY EASEMENT

WHEREAS, the Rockaway Valley Regional Sewerage Authority (“RVRSA” “Grantee”) holds an ownership interest in a Utility Easement upon certain real property formerly owned by Everett B. Dayton and Amy Carol Dayton (“Grantor”) and now owned by Melissa Rutrick (hereinafter “Property Owner”), 140 Powerville Road, Block 40702, Lot 9, Boonton Township, NJ; and

WHEREAS, the said Utility Easement is located in, over and upon a twenty-five foot (25’) wide portion of Block 40702, Lot 9 on the Tax Map of Boonton Township (“Property” or “Easement Area”); and

WHEREAS, the Grantor granted the Utility Easement to the Grantee on July 30, 1982, which was recorded in the Office of the Morris County Clerk on August 6, 1982, in Deed Book 2637 at page 255 (“Easement Agreement”); and

WHEREAS, the Property Owner seeks to amend its Easement Agreement with all interested parties by way of an Amendment to Easement Agreement (“Amendment”) adjusting the metes and bounds of the Easement by vacating a portion; and

WHEREAS, RVRSA finds that the said portion of the Utility Easement is no longer necessary for the purposes of the sewerage authority as there are no other properties to be served by RVRSA facilities utilizing the easement, and the homeowner shall be responsible for the conveyance and maintenance of the sewer line to RVRSA manhole P-15; and

WHEREAS, the Property Owner has proposed an addition to an existing dwelling that when installed would further encroach upon the existing easement; and

WHEREAS, RVRSA desires to vacate a portion of its interest in the Utility Easement by Amendment to Easement Agreement attached hereto (**Exhibit A**), and

WHEREAS, RVRSA is a public body politic and corporate constituting a political subdivision of the State of New Jersey authorized to dispose of property no longer needed for its purposes pursuant to N.J.S.A. 40:14A-7, N.J.S.A. 40:14A-27 and N.J.S.A. 40A:12-13(b)(4).

NOW, THEREFORE, BE IT RESOLVED by the Rockaway Valley Regional Sewerage Authority in the State of New Jersey on this 12th day of January, 2023 as follows:

1. Upon execution by all parties of the attached Amendment to Easement Agreement, Rockaway Valley Regional Sewerage Authority’s interest in

the aforesaid portion of the Utility Easement, is hereby VACATED, and Rockaway Valley Regional Sewerage Authority's interest in the Utility Easement shall only include the portion specifically described in the attached Amendment to Easement Agreement.

2. The area previously occupied by the public sewerage easement portion shall now revert to the present owner and the Easement Agreement is hereby amended by the Amendment to Easement Agreement attached hereto, which includes the new metes and bounds as well as, the updated partial property survey.
3. A copy of this Resolution along with the Amendment to Easement Agreement shall be published in an Official Newspaper of the Authority within sixty (60) days of the date of execution and recorded in the Office of the Morris County Clerk.
4. The execution of the Amendment to Easement Agreement by the Chairman is conditioned upon the posting of escrow for the preparation of a new partial property survey, metes and bounds description of the modified easement and payment of RVRSA engineering fees.
5. This Resolution shall take effect as provided by law.

CERTIFICATION

I hereby certify that the foregoing Resolution was adopted at Regular Meeting of the RVRSA held on January 12, 2023.

On Motion of: Commissioner Farrell

Second by: Commissioner Cegelka


And a roll call vote as follows:

Yeas: (7) Cegelka, Farrell, Howarth, Isselin, Lavery, Schorno, and Zuppa.

Nays: (0) None

Abstain: (0) None

Absent: (3) Andes, Corbett, and Potter.


Donald Farrell
Board Secretary