

TOWNSHIP OF WEST MILFORD

Passaic County, New Jersey

~ Resolution 2017 – 135 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE REPAIR AND RECONSTRUCTION OF A SEPTIC SYSTEM DELIVERY PIPELINE WITHIN A PAPER STREET RIGHT-OF-WAY

WHEREAS, there exists a 30' wide unimproved, no outlet, no name, paper street right-of-way (formerly Ricker Street) adjacent to 8 De Hart Avenue; and

WHEREAS, in accordance with the Septic Alteration plan for 8 De Hart Avenue, prepared by McKittrick Engineering Associates, Inc. (dated February 8, 2017), the existing septic system delivery pipeline lies within and encroaches onto a portion of the no name, paper street right-of-way (formerly Ricker Street); and

WHEREAS, the Application to Alter an Individual Subsurface Disposal System for 8 De Hart Avenue (Block 3509, Lot 11) has been provisionally approved (dated March 10, 2017) by the West Milford Township Health Department subject to approval for use of the paper street right-of-way for the septic system delivery pipeline; and

WHEREAS, the existing site conditions at 8 De Hart Avenue do not provide for a reasonable alternative to the existing configuration of the septic system components and it is acknowledged that a hardship exists for the owner of 8 De Hart Avenue under the requirement that the existing septic system must be replaced; and

WHEREAS, there is no record of the Township of West Milford previously approving the use of the no name, paper street right-of-way (formerly Ricker Street) for the existing septic system delivery pipeline; and

NOW THEREFORE BE IT RESOLVED, by the Mayor and Township Council of the Township of West Milford, County of Passaic and State of New Jersey in consideration of the mutual covenants and agreements contained herein, the parties agree as follows:

1. That the septic system delivery pipeline at 8 De Hart Avenue (Block 3509, Lot 11) be permitted to remain in the existing, historic location without any further encroachment into the unimproved, no outlet, no name, paper street right-of-way (formerly Ricker Street) as shown on the approved Septic Alteration plan.
2. That a Hold Harmless agreement be filed with the Passaic County Register to indemnify the Township of West Milford in perpetuity or until such time that use is no longer valid and the agreement is severed.

Adopted: April 5, 2017

Adopted this 5th day of April 2017
and certified as a true copy of an original.

Antoinette Battaglia, Township Clerk