ORDINANCE NO. 10-2013

AN ORDINANCE AUTHORIZING A RETAINING WALL MAINTENANCE AGREEMENT WITHIN THE RIGHT-OF-WAY OF MALAPARDIS ROAD IN THE BOROUGH OF MORRIS PLAINS RELATING TO THE USE AND OCCUPANCY OF PREMISES LOCATED AT 68 MALAPARDIS ROAD, ALSO KNOWN AND DESIGNATED AS BLOCK 171, LOTS 11 AND 12 ON THE MORRIS PLAINS TAX MAPS, AND AUTHORIZING A RETAINING WALL MAINTENANCE AGREEMENT WITHIN THE BOROUGH'S SANITARY SEWER EASEMENT ON PROPERTY LOCATED AT 159 SUN VALLEY WAY, ALSO KNOWN AND DESIGNATED AS BLOCK 91, LOT 14 ON THE BOROUGH TAX MAPS.

WHEREAS, the Borough Council is desirous of authorizing retaining wall maintenance agreements in connection with the use and occupancy of properties located at 68 Malapardis Road, Morris Plains and 159 Sun Valley Way, Morris Plains.

NOW, THEREFORE, BE IT ORDAINED, by the Borough Council of the Borough of Morris Plains, they being the Governing Body thereof, as follows:

Section 1:

That the execution of a retaining wall maintenance agreement between the Borough of Morris Plains and Jason C. Smith relating to the maintenance of a retaining wall constructed within the public right-of-way of Malapardis Road in connection with the use and occupancy of 68 Malapardis Road, Morris Plains, known and designated as Block 171, Lots 11 & 12 is hereby approved subject to the terms and conditions set forth in the Retaining Wall Maintenance Agreement between the Borough of Morris Plains and Jason C. Smith.

Section 2:

That the execution of a retaining wall maintenance agreement between the Borough of Morris Plains and Kevin J. Miller and Cherry A. Miller relating to the construction and maintenance of a retaining wall within the Borough's existing

sanitary sewer easement on property located at 159 Sun Valley Way, Morris Plains, known and designated as Block 91, Lot 14 and the same is hereby approved subject to the terms and conditions set forth in the Retaining Wall Maintenance Agreement between the Borough of Morris Plains and Kevin J. Miller and Cherry A Miller.

Section 3:

If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be invalid by a Court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this Ordinance.

Section 4:

This Ordinance shall take effect immediately after final passage and publication.

Introduced: 8/15/13
Adopted: 9/5/13

/s/Frank J. Druetzler