

BOROUGH OF MENDHAM
MORRIS COUNTY, NEW JERSEY

ORDINANCE 06-2026

ORDINANCE OF THE BOROUGH OF MENDHAM, COUNTY OF MORRIS, STATE OF NEW JERSEY, VACATING A SANITARY SEWER EASEMENT LOCATED AT 40 MOUNTAIN AVENUE

WHEREAS, the Estate of Pietro J. Cillo is the owner (the “Owner”) of the property located at 40 Mountain Avenue in the Borough of Mendham (Block 401 Lot 21) (the “Property”); and

WHEREAS, the Borough owns a sanitary sewer easement (the “Easement”) running south to north across the Property, as more fully depicted in Exhibit A; and

WHEREAS, the Owner has requested, per correspondence dated March 19, 2026, that the Borough vacate the easement because the Property is currently under contract of sale; and

WHEREAS, the Borough Engineer and Borough Sewer Superintendent have determined that the Easement is no longer needed for a public purpose, and have recommended that the easement be vacated by the Borough; and

WHEREAS, the Mayor and Council wish to adopt the recommendation of the Engineer and Sewer Superintendent and vacate the easement.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Mendham, County of Morris, State of New Jersey, as follows:

1. The public rights and interests in the Easement as more fully described in Exhibit A attached hereto, are hereby vacated, abandoned, and released by the Borough.
2. By virtue of such release, the Easement referred to shall be held by the owner or owners thereof free and discharged from all public rights as a sanitary sewer easement, as if said public rights had never existed.
3. The appropriate Borough officials are hereby authorized to execute any collateral documents necessary to effectuate the purposes of this Ordinance.
4. It is the Borough’s belief that there are no rights and privileges possessed by public utilities within the proposed area to be vacated. To the extent that public utilities possess any rights and privileges within the vacated area as defined by R. S. 48:2-13, and by any cable television company as defined in the Cable Television Act, P.L. 1972, c.186 (N.J.S.A. 48:5A-1 et seq.) any and all rights to maintain, repair and replace facilities, in, adjacent to, over or under the aforementioned portions of said area, are hereby expressly reserved from vacation.
5. The Borough Clerk shall, within sixty (60) days after the Ordinance becomes effective, file a certified copy of the Ordinance, together with a copy of proof of publication

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thereof, with the Clerk of Morris County for recording.

6. If any portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion, and such holding shall not affect the validity of the remaining portions hereof.
7. All ordinances or parts of ordinances inconsistent herewith are repealed as to such inconsistencies.
8. This Ordinance shall take effect immediately upon final passage and publication in the manner according to law.

INTRODUCED: APRIL 15, 2026

ADOPTED: MAY 6, 2026

BOROUGH OF MENDHAM,
COUNTY OF MORRIS,
STATE OF NEW JERSEY

ATTEST:

Lauren McBride, Borough Clerk

James Kelly, Mayor