

ORDINANCE #2009-02

AN ORDINANCE OF THE TOWNSHIP OF LACEY, COUNTY OF OCEAN, STATE OF NEW JERSEY, GRANTING CONSENT TO RENEW THE FRANCHISE OF NEW JERSEY NATURAL GAS COMPANY FOR THE USE OF TOWNSHIP ROADS

BE IT ORDAINED by the Mayor and Township Committee of the Township of Lacey, County of Ocean, State of New Jersey, as follows:

SECTION 1. Subject to the provisions of applicable Township Ordinances, permission and consent is hereby granted to New Jersey Natural Gas Company to erect, construct, re-construct, remove, inspect, maintain and operate its mains and pipes, together with all appurtenances thereto, in, through, upon, along, over and under all the various public streets, alleys, squares and public places in the Township of Lacey for the purpose of conducting, transmitting and distributing natural gas upon the terms and conditions hereinafter provided.

SECTION 2. All lines, underground conduits, together with all associated equipment, fixtures and appurtenances (hereinafter "Facility" or Facilities"), shall be located, installed and maintained so as not to interfere with any public water, sanitary sewer, storm drainage or other public facilities, fixtures and appurtenances (hereinafter "Public Facility").

A. New Jersey Natural Gas Company further agrees to remove and relocate, at its sole expense, all Facilities hereto fore or hereafter located and installed, that reasonably interfere with construction, re-construction and maintenance of any Public Facility.

B. New Jersey Natural Gas Company shall indemnify and save harmless the Township of Lacey from all claims or suits for damages arising from the location, construction, re-construction or maintenance of any Facility.

SECTION 3. The New Jersey Natural Gas Company shall comply with all Township ordinance, including but not limited to, the provision of Chapter 293, Article I, of the Municipal Code, and any amendment thereto, dealing with streets openings or excavations and shall, except in the case of an emergency, provide to the Township at least ten (10) days prior notice of an streets openings and excavations.

SECTION 4. The surface of the streets, roads, avenues, highways and any pavement flagging taken up soil and/or planting disturbed by New Jersey Natural Gas in construction, re-constructing or maintaining its Facilities shall be restored to as good condition as it was before the commencement of work thereon at no cost to the Township of Lacey. No streets, roads,

avenues and highways shall be encumbered for a longer period than shall be necessary to execute the work. Such restoration shall be subject to the approval of the Mayor and Township Committee after an inspection by its authorized representative upon completion of the work, and submission of duly approved as-built drawings.

SECTION 5. Following adoption and final passage of this Ordinance, and acceptance thereof by New Jersey Natural Gas, the permission and consent granted therein shall continue and be in force for a period of fifty (50) years from the date of its approval by the New Jersey Board of Public Utilities, as required by law. Throughout the full term of this ordinance, New Jersey Natural Gas, its successors and assigns, shall furnish safe, adequate and proper service, at just and reasonable rates, within the Township, and keep and maintain its property and equipment in such condition as will enable it to do so. New Jersey Natural Gas shall, in order to safeguard the public interest, provide continuous and uninterrupted service at, and after, the expiration of the term of this ordinance while seeking further renewal of Township consent.

SECTION 6. Upon passage of this Ordinance, in accordance with the law, the Township Clerk shall provide New Jersey Natural Gas with written notice thereof by Certified Mail. New Jersey Natural Gas shall file with the Township Clerk its written acceptance of said Ordinance within thirty (30) days of receipt of said notice.

SECTION 7. New Jersey Natural Gas shall, at its sole expense, petition the Board of Public Utilities for approval of this ordinance.

SECTION 8. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

SECTION 9. This ordinance shall not take effect until the Township of Lacey receives notice that it has been approved by the Board of Public Utilities.

NOTICE

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Township Committee on first reading at a meeting of the Township Committee of the Township of Lacey held on the **22nd** day of **January, 2009**, and will be considered for second reading and final passage on the **11th** day of **February, 2009**, at 7:00 p.m., at the Municipal Building at 818 West Lacey Road, Forked River, New Jersey, at which time and place, persons desiring to be heard upon the same will be given the opportunity to be so heard.

VERONICA LAUREIGH, RMC
Municipal Clerk

Initial Consent December 27, 1910
Renewal: 1959 (50) years
Renewal: June 4, 2009
Expires: June 4, 2059



New Jersey
Natural Gas

December 12, 2007

Honorable Veronica Laureigh
Municipal Clerk
Township of Lacey
Town Hall
818 West Lacey Road
Forked River, NJ 08731

RE: REQUEST FOR APPROVAL OF FRANCHISE

Dear Ms. Laureigh:

New Jersey Natural Gas Company is very pleased to have served the Township of Lacey in the past and is desirous of continuing to serve you in the future. A review of our records indicates that New Jersey Natural Gas Company, either directly or through a predecessor company, has held a franchise with your municipality since December 27, 1910.

The current franchise will expire June 4, 2009. Accordingly, I have enclosed three (3) copies of a proposed form of resolution renewing our franchise, which is submitted for your consideration and passage by the Township Council. The resolution is essentially identical to the current resolution and appears to be self-explanatory; but should you have any questions, I would be most happy to answer the same at your convenience and can be reached at (732) 919-8025. The attached resolution is for a duration of fifty (50) years.

Please return two (2) fully executed copies in the enclosed self-addressed envelope at your earliest convenience, and retain the other copy for your files. At such time as the enacted resolution is returned to me, I will file an appropriate petition with the New Jersey Board of Public Utilities seeking their approval of same. Thank you very much for your cooperation in this matter.

Very truly yours,

A handwritten signature in black ink that reads "Tracey Thayer".

Tracey Thayer, Esq.
Director, Regulatory Affairs Counsel

TT:fk

Enclosures