

MONROE TOWNSHIP, MIDDLESEX COUNTY

ORDINANCE NO. O-9-2022-020

ORDINANCE OF THE MONROE TOWNSHIP COUNCIL
AUTHORIZING THE GRANT OF A STREAM CORRIDOR
CONSERVATION EASEMENT TO THE DELAWARE AND RARITAN
CANAL COMMISSION OVER A PORTION OF TOWNSHIP PROPERTY
(BLOCK 4, LOTS 6.01 & 6.02) AND AUTHORIZING THE EXECUTION
OF A CONSERVATION EASEMENT AGREEMENT

WHEREAS, the Township of Monroe (the "Township") is the owner of that certain parcel of land identified on the Township's Official Tax Map as Block 4, Lots 6.01 and 6.022 (hereinafter referred to as the "Property"); and

WHEREAS, a stream corridor of the Millstone River is located on the Property (the "Stream Corridor"); and

WHEREAS, pursuant to regulations set forth at N.J.A.C. 7:45-9.1, et seq., the Delaware and Raritan Canal Commission (the "Commission") regulates projects for stream corridor impacts; and

WHEREAS, pursuant to N.J.S.A. 40A:12-13(b)(1) of the Local Lands and Buildings Law, the Township is authorized to convey any real property, or interests therein, by ordinance, to any political subdivision, board or body corporate and politic of the State of New Jersey; and

WHEREAS, the Township and Commission have agreed that it is in the best interests of the parties for the Township to grant to the Commission a stream corridor conservation easement (the "Conservation Easement") over the Property, as described within the Conservation Easement Agreement appended hereto as Attachment A, to insure against any adverse impacts on the Stream Corridor and to otherwise comply with the Commission's requirements and with the Master Plan for the Delaware and Raritan Canal State Park; and

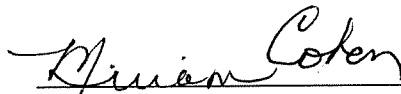
WHEREAS, the terms of the proposed form of a Conservation Easement Agreement appended hereto as Attachment A will preserve the Stream Corridor and permit recreational paths within the Stream Corridor and various already existing improvements; and

WHEREAS, after analysis and review, the Township has determined it is in its best interest to grant to the Commission the Conservation Easement over the Property and enter into the aforementioned Conservation Easement Agreement in a form substantially similar to the form attached hereto as Attachment A, subject to the review and approval of the Township Attorney; and

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Monroe, County of Middlesex, State of New Jersey, as follows:

1. The Mayor and Clerk are hereby authorized to execute all documents necessary for the conveyance of the Conservation Easement, which shall include a Conservation Easement Agreement setting forth the terms and conditions pertaining to the Conservation Easement, in substantially the form appended hereto as Attachment A, subject to the Township Attorney's review and approval.
2. All ordinances or part of ordinances which are inconsistent herewith are hereby repealed to the extent of such inconsistency.
3. This Ordinance shall take effect immediately after final passage and publication in the manner provided by law.

SO, ORDAINED as aforesaid.

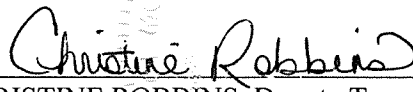


MIRIAM COHEN, Council President

RECORDED VOTE – INTRODUCTION – September 7, 2022						
COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Councilman Siegel		X	X			
Councilman Dipierro			X			
Councilman Schneider			X			
Council V. President Van Dzura	X		X			
Council President Cohen			X			

NOTICE

Notice is hereby given that the foregoing Ordinance was introduced and passed on first reading at a meeting of the Monroe Township Council held on September 7, 2022. Said Ordinance will again be read and considered for final passage at the next scheduled meeting of the Monroe Township Council to be held on October 3, 2022, at 6:30 p.m. at the Monroe Township Municipal Building, 1 Municipal Plaza, Monroe Township, New Jersey 08831. At said time and place all persons having an interest in the foregoing Ordinance will be granted an opportunity to be heard concerning the same prior to consideration for final passage by the Council.



 CHRISTINE ROBBINS, Deputy Township Clerk

RECORDED VOTE – SECOND READING & FINAL ADOPTION – October 3, 2022						
COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	ABSENT
Councilman Siegel			X			
Councilman Dipierro	X		X			
Councilman Schneider		X	X			
Council V. President Van Dzura			X			
Council President Cohen			X			


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 OF A CONSERVATION EASEMENT AGREEMENT**

MAYORAL APPROVAL

By virtue of the Optional Municipal Charter Law of 1950 and Chapter 3, Section 19 of the Code of the Township of Monroe, my approval of this Ordinance is effected by the affixing of my signature hereto.



 STEPHEN DALINA, Mayor

Date signed: 10/4/2022



Nancy J. Pinkin
 Middlesex County Clerk
 Recording Data Cover Page
 Pursuant to N.J.S.A. 46:26A-5

INSTR # 2023009314
 0 BK 19150 PG 334 Pgs 334 - 343f (10 pgs)
 RECORDED 02/13/2023 02:17:53 PM
 NANCY J. PINKIN, COUNTY CLERK BD
 MIDDLESEX COUNTY, NEW JERSEY
 RECORDING FEES: \$13.00

Official Use Only

Date of Document December 1, 2022	Type of Document Conservation Easement
First Party Name Township of Monroe	Second Party Name Delaware and Raritan Canal Commission
Additional First Parties	Additional Second Parties

THE FOLLOWING SECTION IS REQUIRED FOR DEEDS ONLY.

Block 4	Lot 6.01 and 6.02
Municipality Monroe <input type="checkbox"/>	Consideration
Mailing Address of Grantee 1 Municipal Plaza, Room 107 Monroe Township, NJ 08831	

THE FOLLOWING SECTION IS FOR ORIGINAL MORTGAGE BOOKING & PAGING INFORMATION FOR ASSIGNMENTS, RELEASES, DISCHARGES & OTHER ORIGINAL MORTGAGE AGREEMENTS ONLY.

Original Book	Original Page
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MIDDLESEX COUNTY, NEW JERSEY RECORDING DATA PAGE.
This cover page is for use in Middlesex County, New Jersey only.
 Please do not detach this page from the original document as it
 contains important recording information and is part of the permanent record.



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CONSERVATION EASEMENT AGREEMENT

This Conservation Easement Agreement (the Agreement) made as of the 1st of December, 2022, by and between the Township of Monroe having a mailing address of Township of Monroe, Municipal Complex, One Municipal Plaza, Monroe Township, New Jersey 08831 (the Owner), and the Delaware and Raritan Canal Commission of the State of New Jersey having a mailing address of P.O. Box 539, 33 Risler Street, Stockton, New Jersey 08559 (the Commission).

WITNESSETH:

WHEREAS, Owner is the owner of certain real property designated as Lots 6.01 and 6.02, Block 4, on the tax map of the Township of Monroe in the County of Middlesex (the Property); and,

WHEREAS, the Property was included in the Gateway Mixed Use Project, DRCC Application #: 13-4441, and reviewed by Commission staff but the stream corridor was not recorded; and

WHEREAS, pursuant to the Commission's regulations set forth at N.J.A.C. 7:45-9.1 et seq. (the Regulations), the Commission regulates stream corridor (the Corridor) impacts; and,

WHEREAS, the Owner is desirous of entering into a stream corridor conservation easement agreement with the Commission to insure against any adverse impacts on

the Corridor and to otherwise comply with the Commission's requirements and with the Master Plan for the Delaware and Raritan Canal State Park; and,

WHEREAS, a portion of the Corridor of the Millstone River, is located on the Property, and this portion of the Corridor is shown on the plan entitled Existing Conditions The Village at Millstone River Lots 6.01 & 6.02 Block 4, prepared by John J. Stefani, P.E., L.S., ESP Associates, and dated March 3, 2008, last revised July 3, 2008, and is depicted as the 100-Year Flood Line (the dark black dashed line) on Exhibit A, which is attached hereto and incorporated herein by reference.

NOW THEREFORE, in consideration of their mutual covenants contained herein Owner and the Commission agree as follows:

1. The Corridor is regulated by the Commission's regulations.
2. Recreational paths are permitted in the Corridor.
3. Except for recreational paths and all existing improvements including a road, a bridge, a culvert, an outfall structure, a sanitary sewer, a gas main pipeline, storm water piping, a water main and underground and overhead utility transmission lines, all other uses are prohibited except if approved by the Commission in accordance with its regulations.
4. The Commission and its successors shall have the right to enforce the terms and conditions of this Agreement in accordance with law.

5. This Agreement is binding upon the Owner, it's successors and assigns. It shall be construed as a conservation easement running with the land and shall be binding upon any person to whom title to the Property or any portion thereof within the Corridor is transferred, as well as upon the heirs, successors and assigns of all such persons.
6. This Agreement shall be construed as if drafted jointly by both parties.
7. Owner agrees to record this Conservation Easement Agreement and any amendment thereto and to provide the Commission with evidence of same.
8. Any written notices to Owner or to the Commission shall be directed to them as follows:

If to Owner:

Township of Monroe
Municipal Complex
One Municipal Plaza
Monroe Township, NJ 08831

If to Commission:


Delaware and Raritan Canal Commission
Post Office Box 539
33 Risler Street
Stockton, NJ 08559

IN WITNESS WHEREOF, the Owner has caused these presents to be duly executed and acknowledged, this 3th day of Oct., 2022.

ATTEST:

Township of Monroe

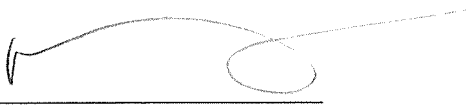
BY: Christine Robbins
Name: Christine Robbins
Title: Deputy Twp. Clerk


Name: Stephen Dalina
Title: Mayor

Executed and acknowledged by the Canal Commission this 1 day of December 2022.

ATTEST:

**DELAWARE AND RARITAN
CANAL COMMISSION OF THE
STATE OF NEW JERSEY**

BY: 
Name:
Title:
Mary Colleen Christa Maloney
Review Zone Officer


John Hutchison
Executive Director

State of N.J.
County of Middlesex
On 10/28/22

before me, Stephen Dalina, Mayor & Christine Robbins, Deputy RMC

appeared personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.
WITNESS my hand and official seal.

Tanya M. Pannucci
Signature of Notary

Affiant Known Produced ID
Type of ID D.L.
(Seal)

TANYA M. PANNUCCI
NOTARY PUBLIC OF NEW JERSEY
ID # 60018353
My Commission Expires 7/16/2025



Township of Monroe

County of Middlesex

PATRICIA REID
Clerk

Municipal Complex
1 Municipal Plaza
Township
Monroe Township, NJ
08831-1900
Phone (732) 656-4573
Fax (732) 521-3190

Affidavit of Publication

I, Christine Robbins, Deputy Township Clerk, of the Township of Monroe, County of Middlesex, State of New Jersey, do hereby certify that the attached legal notice is a true copy of such notice, which was published in the Home News Tribune, the official newspaper of Monroe Township and a newspaper of general circulation in the County of Middlesex on September 12, 2022.

Christine Robbins, Deputy Township Clerk

Monday, September 12, 2022

Notice Content

MONROE TOWNSHIP NOTICE OF PENDING ORDINANCE ORDINANCE NO.: 0-9-2022-020 NOTICE IS HEREBY GIVEN THAT AN ORDINANCE ENTITLED: "ORDINANCE AUTHORIZING THE GRANT OF A STREAM CORRIDOR CONSERVATION EASEMENT TO THE DELAWARE AND RARITAN CANAL COMMISSION OVER A PORTION OF TOWNSHIP PROPERTY (BLOCK 4, LOTS 6.01 & 6.02) AND AUTHORIZING THE EXECUTION OF A CONSERVATION EASEMENT AGREEMENT ", has been introduced and passed on first reading at the regular meeting of the Monroe Township Council held on September 7, 2022 and will be further considered for final passage after a Public Hearing during the council meeting to be held on October 3, 2022 at 6:30 p.m. in the Monroe Twp. Municipal Building, One Municipal Plaza, Monroe Twp., N.J. 08831. At said time and place, all persons will be granted the opportunity to be heard concerning this Ordinance prior to its consideration for adoption by Council. The purpose of this Ordinance is to authorize a stream corridor conservation easement over a portion of Block 4, Lots 6.01 & 6.02 in the Township of Monroe, which the Township and Delaware and Raritan Canal Commission have agreed is in the best interest to insure against any adverse impacts on the Stream Corridor and to otherwise comply with the Commission's requirement and with the Master Plan for the Delaware and Raritan Canal State Park. The proposed Ordinance in its entirety can be viewed on the Township website, www.monroetwp.com and is on file in the Municipal Clerk's Office. Copies may be obtained without charge between the hours of 8:30am and 4:30pm. Monday through Friday. Christine Robbins, Deputy Municipal Clerk (\$30.10)



Township of Monroe

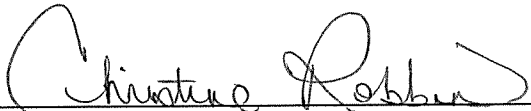
County of Middlesex

PATRICIA REID
Township Clerk

Municipal Complex
1 Municipal Plaza
Monroe Township, NJ 08831-1900
Phone (732) 656-4573
Fax (732) 521-3190

Affidavit of Publication

I, Christine Robbins, Deputy Township Clerk, of the Township of Monroe, County of Middlesex, State of New Jersey, do hereby certify that the attached legal notice is a true copy of such notice, which was published in the Home News Tribune, the official newspaper of Monroe Township and a newspaper of general circulation in the County of Middlesex on October 7, 2022.



Christine Robbins, Deputy Township Clerk

Friday, October 07, 2022

Notice Content

MONROE TOWNSHIP, MIDDLESEX COUNTY NOTICE OF FINAL ADOPTION Notice is hereby given that the following entitled Ordinance was introduced and passed on First Reading at the regular meeting of the Monroe Township Council held on September 7, 2022. Furthermore, this Ordinance was adopted after a Public Hearing was held at the October 3, 2022 meeting of the Monroe Township Council which was held in the Monroe Twp. Municipal Building, One Municipal Plaza, Monroe Twp., N.J. 08831 and was thereafter approved and signed by the Mayor on October 4, 2022. MONROE TOWNSHIP, MIDDLESEX COUNTY ORDINANCE NO.: O-9-2022-020 "ORDINANCE AUTHORIZING THE GRANT OF A STREAM CORRIDOR CONSERVATION EASEMENT TO THE DELAWARE AND RARITAN CANAL COMMISSION OVER A PORTION OF TOWNSHIP PROPERTY (BLOCK 4, LOTS 6.01 & 6.02) AND AUTHORIZING THE EXECUTION OF A CONSERVATION EASEMENT AGREEMENT.". CHRISTINE ROBBINS, R.M.C Monroe Township Deputy Municipal Clerk \$21.50)