

EXPLANATION: This Ordinance authorizes the grant of a Conservation Restriction/Easement from the Township to the NJDEP pursuant to the conditions of the Freshwater Wetlands General Permit and Transition Area Waiver Permit for River Road Park.

## **TOWNSHIP OF BEDMINSTER**

### **ORDINANCE NO. 2013-003**

AN ORDINANCE AUTHORIZING AND GRANTING A CONSERVATION RESTRICTION/EASEMENT FROM THE TOWNSHIP OF BEDMINSTER TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION PURSUANT TO THE FRESHWATER WETLANDS GENERAL PERMIT AND TRANSITION AREA WAIVER PERMIT FOR RIVER ROAD PARK.

**WHEREAS**, the Township of Bedminster owns the property identified as Lots 26, 34 and 34.01 in Block 41, and Lot 2 in Block 53 in the Township of Bedminster, located along River Road at the intersection of State Highway Route 202/206, and commonly known as the River Road Park (the “Property”); and

**WHEREAS**, the Township applied for and obtained a Freshwater Wetlands General Permit No. 17 and Transition Area Waiver Individual Permit, Permit No. 1801-03-0007.3; FWW 100001 and 100002 (the “Permit”) from the New Jersey Department of Environmental Protection (“NJDEP”); and

**WHEREAS**, the Permit contains a condition of approval that the Township grant the NJDEP a conservation restriction/easement on a portion of the Property; and

**WHEREAS**, pursuant to the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, *et seq.* (“LLBL”), specifically N.J.S.A. 40A:12-14, the Township is authorized to grant interests in real property, including easements, by ordinance; and

**WHEREAS**, the Conservation Restriction/Easement attached hereto follows the NJDEP’s required form, and has been prepared by the Township Attorney; and

**WHEREAS**, the Mayor and Township Committee of the Township of Bedminster find it to be in the best interests of the Township and its citizenry to grant the Conservation Restriction/Easement for a portion of the Property to the NJDEP.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Bedminster, in the County of Somerset and State of New Jersey, as follows:

1. Subject to the conditions of the Permit and set forth herein, the Township of Bedminster hereby grants a Conservation Restriction/Easement to the New Jersey Department of Environmental Protection (“NJDEP”) on a portion of the property identified as Lots 26, 34 and 34.01 in Block 41, and Lot 2 in Block 53 in the Township of Bedminster, located along River Road at the intersection of State Highway Route 202/206, and commonly known as the River Road Park, in substantially the form attached hereto.
2. The Mayor and Township Clerk are hereby authorized to execute the Conservation Restriction/Easement in substantially the form attached hereto.
3. The Township Attorney, and other appropriate Township officials are hereby authorized and directed to take all required actions to complete the Township’s grant of the Conservation Restriction/Easement to the NJDEP, along with the recording thereof.
4. This Ordinance shall take effect upon final passage, adoption and publication according to law.
5. If any article, section, subsection, paragraph, phrase or sentence is, for any reason, held to be unconstitutional or invalid, said article, section, subsection, paragraph, phrase or sentence shall be deemed severable.

Introduced by:  
 Passed:  
 Published:  
 Adopted:

ATTEST:

TOWNSHIP COMMITTEE OF  
 THE TOWNSHIP OF BEDMINSTER

\_\_\_\_\_  
 Judith Sullivan, Township Clerk

By: \_\_\_\_\_  
 Steven Parker, Mayor

Introduced	Seconded	Township Committee	Vote for Adoption	Nay	Abstain	Absent
		Steven E. Parker, Mayor				
		Bernie Pane				
		Katy Rupert				
		Carolyn Freeman				
		Lawrence Jacobs				