

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						
Councilman Dipierro						
Councilman Schneider						
Council V. President Van Dzura						
Council President Cohen						

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						
Councilman Dipierro						
Councilman Schneider						
Council V. President Van Dzura						
Council President Cohen						

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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: _____

ATTACHMENT A
(Conservation Easement Agreement)

CONSERVATION EASEMENT AGREEMENT

This Conservation Easement Agreement (the Agreement) made as of the ____ of _____, 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 ____ day of _____, 2022.

ATTEST:

Township of Monroe

BY: _____
Name:
Title:

Name:
Title:

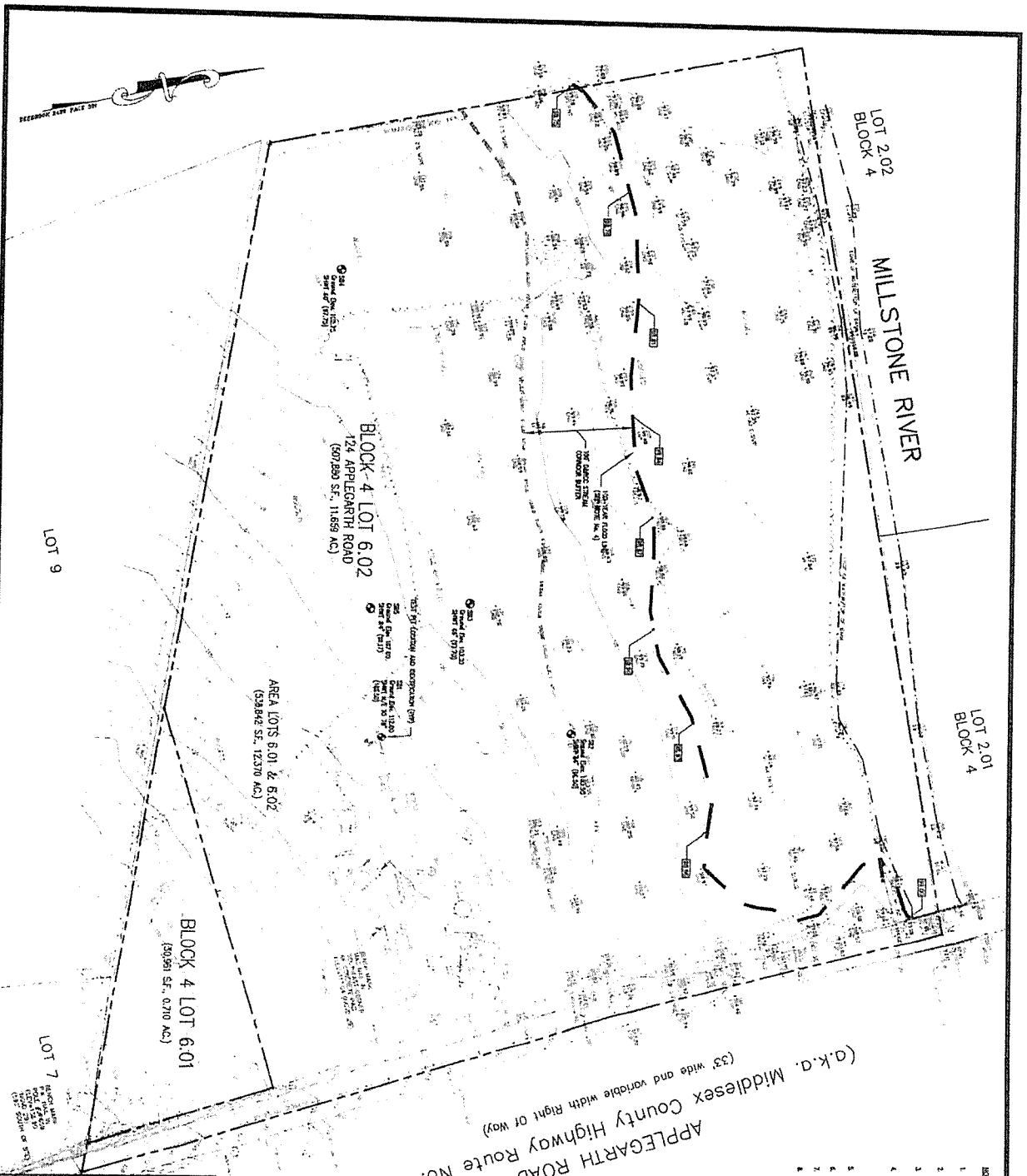
Executed and acknowledged by the Canal Commission this _____ day of _____ 2022.

ATTEST:

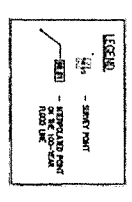
**DELAWARE AND RARITAN
CANAL COMMISSION OF THE
STATE OF NEW JERSEY**

BY: _____
Name:
Title:

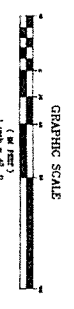
John Hutchison
Executive Director



- NOTES:**
1. ALL EXISTING UTILITIES (INCLUDING FENCES, SEWER, CONCRETE & SOILS, WATER, WASTE AND RAILROADS) TO BE MAINTAINED.
 2. EXISTING UTILITIES TO BE DELETED/ABANDONED IN ACCORDANCE WITH THE PLANNED DEVELOPMENT OF THIS PROJECT.
 3. EXISTING UTILITIES TO BE MAINTAINED/ABANDONED IN ACCORDANCE WITH THE STANDARDS FOR INFRASTRUCTURE DEVELOPMENT, SPECIAL PUBLIC UTILITIES.
 4. THE VILLAGE AT MILLSTONE RIVER WILL BE DEVELOPED AS A RESIDENTIAL COMMUNITY OF SINGLE-FAMILY HOMES WITH A MIXTURE OF LOT SIZES AND LAYOUTS. THE DEVELOPMENT WILL BE SUBJECT TO THE STANDARDS FOR INFRASTRUCTURE DEVELOPMENT, SPECIAL PUBLIC UTILITIES.
 5. PROPOSED IMPROVEMENTS TO BE MAINTAINED AS PER THE PLAN.
 6. SPECIAL CONSTRUCTION PERMITS REQUIRED IN ACCORDANCE WITH NJAC 17:26-12.
 7. ALL IMPROVEMENTS SHALL BE CONSTRUCTED WITHIN THE 180-DAY PERIOD.
 8. THE SITE IS LOCATED IN ZONING DISTRICT 180-B (R2-180-B).



APPLEGARTH ROAD
(d.k.a. Middlesex County Highway Route No. 619)
33' wide and variable width Right of Way



EXISTING CONDITIONS	
1	EXISTING DRIVE
2	EXISTING DRIVE
3	EXISTING DRIVE
4	EXISTING DRIVE
5	EXISTING DRIVE
6	EXISTING DRIVE
7	EXISTING DRIVE
8	EXISTING DRIVE
9	EXISTING DRIVE
10	EXISTING DRIVE
11	EXISTING DRIVE
12	EXISTING DRIVE
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14	EXISTING DRIVE
15	EXISTING DRIVE
16	EXISTING DRIVE
17	EXISTING DRIVE
18	EXISTING DRIVE
19	EXISTING DRIVE
20	EXISTING DRIVE

THE VILLAGE AT MILLSTONE RIVER LOTS 6.01 & 6.02 BLOCK 4	
1	PROPOSED DRIVE
2	PROPOSED DRIVE
3	PROPOSED DRIVE
4	PROPOSED DRIVE
5	PROPOSED DRIVE
6	PROPOSED DRIVE
7	PROPOSED DRIVE
8	PROPOSED DRIVE
9	PROPOSED DRIVE
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15	PROPOSED DRIVE
16	PROPOSED DRIVE
17	PROPOSED DRIVE
18	PROPOSED DRIVE
19	PROPOSED DRIVE
20	PROPOSED DRIVE

Exhibit A