

ORDINANCE NO. 3907-10

AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY, AUTHORIZING THE ACCEPTANCE OF DEED CONSERVATION EASEMENTS FROM JMJ 1, LLC TO TOWNSHIP OF FRANKLIN FOR PREMISES KNOWN AS BLOCK 88.02, LOTS 36.10 & 36.11

SUMMARY

An Ordinance authorizing the acceptance of two (2) deed of conservation easements from JMJ 1, LLC for Block 88.02, Lots 36.10 & 36.11.

WHEREAS, JMJ 1, LLC is the owner in fee simple of certain lands and premises in the Township of Franklin, County of Somerset and State of New Jersey commonly known as Lots 36.10 and 36.11 in Block 88.02 referred to as the "Grantor" and the Township of Franklin, referred to as the "Grantee"; and,

WHEREAS, the Easement Area is a portion of Lot 36.10 in Block 88.02 and is more particularly described in Schedule A attached to said Deed of Conservation Easement attached hereto and incorporated by this reference, and as further identified on a map entitled "Conservation Easement Map," prepared by Redco Engineering & Construction Corp., dated July 16, 2009, last revised August 24, 2009, which map is attached as Schedule B;

WHEREAS, the Easement Area possesses natural and open space values (collectively, "conservation values") of grant importance to grantor, grantee, the people of the Township of Franklin, County of Somerset and the people of the State of New Jersey; and

WHEREAS, the Grantor further intends, as owner of the Property, to convey to Grantee the right to preserve and protect the conservation values of the Easement Area in perpetuity; and

WHEREAS, the Grantee agrees by accepting this grant to honor the intentions of Grantor state herein and to preserve and protect or cause to be protected in perpetuity the conservation values of the Easement Area for the benefit of this generation and the generations to come; and

WHEREAS, the conveyance and/or acceptance of said real property requires the approval by Ordinance of the Township Council pursuant to NJSA 40A:12-5; and

WHEREAS, the Township Council has determined that it is in the public interest to accept said deeds of conservation easements from the Grantor;

NOW, THEREFORE, BE IT HEREBY ORDAINED AND ENACTED by the Township Council of the Township of Franklin, County of Somerset and State of New Jersey as follows:

SECTION I

The Grantor has granted and conveyed to the Township, its agents, successors and assigns the right to preserve and protect the conservation values of the Easement Area in perpetuity, the Easement Area is a portion of Lot 36.10 in Block 88.02 and is more particularly described in Schedule A attached to said Deed of Conservation Easement attached hereto and incorporated by this reference, and as further identified on a map entitled "Conservation Easement Map," prepared by Redco Engineering & Construction Corp., dated July 16, 2009, last revised August 24, 2009, which map is attached as Schedule B.

SECTION II

Each clause, section or subsection of this ordinance shall be deemed a separate provision to the intent that if any such clause, section or subsection should be declared invalid, the remainder of the ordinance shall not be affected.

SECTION III

All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed as to the extent of such inconsistency.

SECTION IV

This ordinance shall take effect immediately upon adoption and publication according to law.

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This is a true copy of an ordinance adopted by the Township Council Township of Franklin, Somerset County, New Jersey.

Introduced: September 28, 2010

Public Hearing: October 26, 2010

Adoption: October 26, 2010

Notice of Adoption: November 11, 2010

Effective Date: November 15, 2010

Ann Marie McCarthy, Township Clerk