

ORDINANCE NO. 3722

AN ORDINANCE OF THE TOWNSHIP OF FRANKLIN, COUNTY OF SOMERSET AND STATE OF NEW JERSEY ACCEPTING A DEED OF DEDICATION AND A DEED OF CONSERVATION EASEMENT IN CONNECTION WITH FRANKLIN COMMONS RETAIL, LLC (BLOCK 521.02, LOTS 5.02, 5.03, 5.04, & 5.05 – CLARKE STREET/SCHOOLHOUSE ROAD)

SUMMARY

An ordinance accepting a deed of dedication and a deed of conservation easement in connection with Franklin Commons Retail, LLC (Block 521.02, Lots 5.02, 5.03, 5.04, & 5.05 – Clarke Street/Schoolhouse Road).

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

WHEREAS, Franklin Commons Retail, LLC (Grantor), their successors or assigns, 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 5.03, 5.04 & 5.05 in Block 521.02 as shown on the Tax Map of the Township of Franklin (Grantee), Somerset County, New Jersey; and

WHEREAS, the easement area, being a portion of Lots 5.03, 5.04 and 5.05, Block 521.02, and more particularly described in Schedule A attached hereto and incorporated by this reference, and as identified on map entitled “Plan of Major Subdivision for Turtle Brook Realty, LLC, Block 521.02, Lots 5.02, 6 thru 16, 17.01, 18.01 & 19 thru 24,” prepared by Van Cleef Engineering Associates on March 29, 2006, last revised July 19, 2007, about to be filed on the Office of the Somerset County Clerk (the “Easement”); and

WHEREAS, the property possesses natural and open space values (collectively, Conservation values”) of great importance to Grantor, the people of Township of Franklin, County of Somerset and the people of the State of New Jersey; and

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

WHEREAS, Grantee agrees by accepting this grant to honor the intentions of Grantor stated herein and to preserve and protect in perpetuity the conservation values of the Property for the benefit of this generation and the generations to come; and

WHEREAS, Grantor, in consideration of the benefits accruing to the Grantor and to the public, does hereby grant and dedicate unto the Grantee, its successors and assigns, a parcel of

land to be added to Clarke Street for right-of-way purposes, being in the Township of Franklin, County of Somerset and State of New Jersey and is described in Schedule B annexed hereto and made a part hereof; and

WHEREAS, this conveyance is made to satisfy a condition of Major Subdivision Approval granted by the Franklin Township Planning Board on June 21, 2006, and memorialized in a resolution adopted by the Planning Board on August 2, 2006, in Docket #PLN 2006-0017;

WHEREAS, the required Deeds and Easements have been obtained from the Grantor and are on file with the Township Clerk and available for public inspection; and

WHEREAS, acceptance of the easements and deed requires the approval by Ordinance of the Township Council pursuant to **NJSA 40A:12-5**; and

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

That the Township accepts the following deed of conservation easement and deed of dedication and the Township Attorney is hereby authorized to record the documents tendered by Grantor with the Somerset County Clerk:

DEED OF CONSERVATION EASEMENT – BLOCK 521.02, LOTS 5.03, 5.04 & 5.05 – The attached Deed of Conservation Easement on property designated as Block 521.02, Lots 5.03, 5.04 & 5.05 incorporated by reference and made part of this ordinance. The purpose of said deed of conservation easement is to assure that the Property will be retained forever predominantly in its natural and open space condition and to prevent any use of the Property that will significantly impair or interfere with the conservation values of the Property. Grantor intends that this Easement will confine the use of the Property to such activities as are consistent with the purpose of this Easement.

DEED OF DEDICATION – BLOCK 521.02, LOT 5.02 FOR CLARKE STREET – The attached Deed of Dedication on property designated as Block 521.02, Lot 5.02 incorporated by reference and made part of this ordinance. The purpose of said deed of dedication is to grant and dedicate a parcel of land to be added to Clarke Street for right-of-way purposes.

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 of 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 25, 2007
PUBLIC HEARING:	October 23, 2007
ADOPTED:	
NOTICE OF FINAL ADOPTION:	
EFFECTIVE DATE:	

Ann Marie McCarthy, Township Clerk