

**AN ORDINANCE OF THE TOWNSHIP OF ABERDEEN AUTHORIZING
THE DEDICATION OF A CONSERVATION EASEMENT TO THE NEW
JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION**

WHEREAS, the Township of Aberdeen (“Aberdeen” and/or “Grantor”) is the owner in fee simple of certain real property located in the Township Aberdeen, County of Monmouth, New Jersey, designated as Lots 1 and 4 Blocks 39 and 40 on the official Tax Map of the Township Aberdeen, Monmouth County, New Jersey, and a new lot about to be designated as Lot 1.01 , Block 39 (hereinafter “the Property”); and

WHEREAS, the Township of Aberdeen is party to a Redevelopment Agreement pursuant to which it is bound to transfer fee title ownership to a portion of the Property to Aberdeen Family Housing, L.P. and Aberdeen Senior Housing, L.P.; and

WHEREAS, the Aberdeen Family Housing, L.P. and Aberdeen Senior Housing, L.P. have obtained a Transition Area Waiver, NJDEP File No. 1330-08-0004.2, pursuant to the Freshwater Wetlands Protection Act, N.J.S.A. 13:9B-1 *et. seq.*, and the Freshwater Wetlands Protection Act Rules, N.J.A.C. 7:7A, to modify the transition area, attached hereto as **Exhibit A**; and

WHEREAS, the Transition Area Waiver issued to the Grantor is conditioned upon the Grantor's recording of a Grantee approved Conservation Restriction/Easement, pursuant to N.J.A.C. 7:7A-6.1, for the entire approved transition area and adjacent freshwater wetland (hereinafter the “Restricted Area”) as shown on the approved plan(s), entitled Preliminary & Final Major Site Plan and Minor Subdivision for Aberdeen Family, LP & Aberdeen Senior, LP, prepared by Maser Consulting P.A., dated June 2, 2015, last revised date August 24, 2015, attached hereto as **Exhibit B**, and more particularly described on a legal description (metes and bounds) of the Transition Area, attached hereto as **Exhibit C**; and

WHEREAS, wetlands play a significant role in the maintenance of environmental quality on a community, regional, and statewide level; and

WHEREAS, wetland transition areas are integral portions of a freshwater wetlands ecosystem; and

WHEREAS, the Grantee is authorized by N.J.S.A. 13:1D-9 to formulate comprehensive policies for the conservation of the natural resources, to promote environmental protection and prevent pollution of the environment of the State, and is authorized by N.J.S.A. 13:8B-3 to acquire and enforce conservation restrictions; and

WHEREAS, the Grantor, having the authority to do so, intends to enter into this Conservation Restriction/Easement in order to grant to the NJDEP a Conservation Restriction/Easement on the Property to restrict subsequent development of the Restricted Area.

WHEREAS, pursuant to the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, et seq. the Township of Aberdeen (the “Township”) has the power to acquire and/or sell any real property or interest therein for a public purpose; and

WHEREAS, pursuant to N.J.S.A. 40A:12-13(B)(1) a municipality may convey an easement in any real property to an agency of the State of New Jersey at private sale; and

WHEREAS, the New Jersey Department of Environmental Protection (“NJDEP”) and the New Jersey Economic Development Authority are departments or agencies of the State of New Jersey; and

WHEREAS, the Township has determined that it would benefit the health and welfare of the citizens of the Township to convey a conservation easement in the Township property to NJDEP for nominal compensation.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Aberdeen that:

1) The above recitals are hereby incorporated into the body of this ordinance as if set forth at length herein.

2) The dedication of a Conservation Easement in the Township property as defined herein above to the NJDEP for nominal compensation is hereby authorized pursuant to N.J.S.A. 40A:12-13(B)(1).

3) The Mayor and the Municipal Clerk are hereby authorized and directed to execute the Conservation Easement in a form acceptable to the Township Attorney to grant the NJDEP a Conservation Easement in the Township property described above.

4) The Township Clerk is hereby authorized and directed to record the Conservation Easement with the Monmouth County Clerk and to transmit a copy of the easement to NJDEP within ten (10) days of the recording of the easement.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall

apply only to the section paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

PASSED:

ADOPTED:

KAREN VENTURA,
MUNICIPAL CLERK

FRED TAGLIARINI,
MAYOR

DATE: _____