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PPRBC Ordinance
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**ORDINANCE NO. 16-18 AN ORDINANCE AUTHORIZING THE GRANTING OF
A CONSERVATION RESTRICTION/EASEMENT TO
THE NEW JERSEY DEPARTMENT OF
ENVIRONMENTAL PROTECTION ON REAL
PROPERTY KNOWN AND DESCRIBED AS BLOCK
57401, LOT 149 ON THE OFFICIAL TAX MAP OF THE
BOROUGH OF KINNELON AND AUTHORIZING ALL
ACTIONS NECESSARY TO IMPLEMENT AND
EFFECT THE GRANTING OF THE CONSERVATION
RESTRICTION/EASEMENT.**

WHEREAS, N.J.S.A. 40A:12-13. *et seq.* [and specifically N.J.S.A. 40A:12-13(b)(1)] authorize public entities to sell and convey real property or interests in real property, including conservation restrictions/easements to any political subdivision, agency, department, commission, board or body corporate and politic of the State of New Jersey; and

WHEREAS, the Governing Body of the Borough of Kinnelon ("Borough Council" or "Borough") has deemed it necessary to convey a Conservation Restriction/Easement on certain real property owned by the Borough known as Block 57401, Lot 149 on the Official Tax Map of the Borough of Kinnelon (the "Property") to the New Jersey Department of Environmental Protection ("NJDEP") in conjunction with the Borough's acquisition of property known as Block 45502, Lot 119 on the Official Tax Map of the Borough of Kinnelon, from the Pompton Plains Reformed Bible Church ("PPRBC Property") for use as a Community Center and recreational facilities and the grant of a certain Highlands Preservation Area Approval with Takings Waiver, NJDEP File No. 1415-16-0004.1, SHR 170001, dated May 24, 2018 ("Highlands Waiver"), pursuant to N.J.A.C. 7:38-6.4 and other sections of the Regulations adopted under the Highlands Water Protection and Planning Act ("HWPPA"), and under the HWPPA; and

WHEREAS, there has been prepared a certain Grant of Conservation Restriction/Easement to the NJDEP on the Property, setting forth the rights, duties and obligations of the parties in connection therewith; and

WHEREAS, the Borough desires to approve the terms and conditions of said Conservation Restriction/Easement, authorize its execution and its conveyance to the NJDEP in substantially the form on file in the Office of the Borough Clerk, latest revision 111518, subject to any minor changes, modifications, additions or deletions that may be made in the final form of the Conservation Restriction/Easement as may be requested by the NJDEP or other interested parties for the purposes of satisfying the conditions of the Highlands Waiver as approved by the Mayor on the advice of counsel and/or other professionals of the Borough; and

WHEREAS, the Borough further desires to authorize the execution of additional related Agreements and documents necessary to effectuate the purposes of this Ordinance, and the conveyance of the Conservation Restriction/Easement to the NJDEP.

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Kinnelon, County of Morris, State of New Jersey as follows:

SECTION 1. All the terms and conditions of a certain Grant of Conservation Restriction/Easement to the New Jersey Department of Environmental Protection ("NJDEP") on certain real property in the Borough currently known as Block 57401, Lot 149 on the Official Tax Map of the Borough (the "Property"), be and the same are hereby approved, ratified and confirmed by the Borough, in substantially the form on file in the Office of the Borough Clerk, latest revision 111518, subject to any minor changes, modifications, additions or deletions that may be made in the final form of the Conservation Restriction/Easement as may be requested by the NJDEP and/or other interested entities or parties for the purposes of satisfying the conditions

of the Highlands Waiver as approved by the Mayor on the advice of counsel and/or other professionals of the Borough.

SECTION 2. The Mayor and Borough Clerk, be and are hereby authorized to execute the Conservation Restriction/Easement in substantially the same form as approved herein and the Mayor, Borough Council, Clerk and such other officials, consultants, agents, professionals and employees of the Borough as may be necessary and appropriate shall be, and are hereby authorized to pursue the implementation of the conveyance of the Conservation Restriction/Easement to the NJDEP and to take all steps necessary to effectuate and implement the same and the ultimate conveyance of the Conservation Restriction/Easement to the NJDEP, including, without limitation, the execution of additional related Agreements and documents necessary to effectuate the purposes of this Ordinance and the conveyance of the Conservation Restriction/Easement to the NJDEP.

SECTION 3. The Conservation Restriction/Easement to the NJDEP shall be conveyed and delivered to the NJDEP prior to the commencement of any construction by the Borough on the PPRBC Property (Block 45502, Lot 119), provided that the Highlands Waiver permitting such construction remains in effect.

SECTION 4. Subject to the terms and conditions of the Conservation Restriction/Easement, the Borough hereby reserves and shall reserve any and all rights it has, or may have, or shall have in the future, in connection with the Property.


SECTION 5. All Ordinances previously adopted in connection with this acquisition shall remain in full force and effect, except to the extent that the same are inconsistent with the terms and conditions of this Ordinance.

SECTION 6. All ordinances, resolutions and regulations or parts of ordinances, resolutions and regulations inconsistent herewith are hereby repealed to the extent of such inconsistency.


SECTION 7. If any section, paragraph, article, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply to the section, paragraph, article, subdivision, clause or provision so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

SECTION 8. This Ordinance shall take effect after approval and publication as required by law.

ATTEST:



Karen M. Iuele, Borough Clerk

BOROUGH OF KINNELON


Robert W. Collins, Mayor

CERTIFICATION

I, Karen M. Iuele, Borough Clerk of the Borough of Kinnelon, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true copy of an Ordinance introduced, read by title and passed on the first reading a special Mayor and Council meeting of the Borough held on November 28, 2018 and adopted by the Governing Body at a regular meeting of the Borough held on December 13, 2018.


Karen M. Iuele, Borough Clerk