

**AN ORDINANCE TO VACATE AND RELEASE A
CONSERVATION EASEMENT ON BLOCK 15,
LOT 62 AND TO ACCEPT A REVISED
CONSERVATION EASEMENT ON BLOCK 15
LOT 62**

WHEREAS, there is in existence in the Township of Washington, in the County of Morris and State of New Jersey, a conservation easement on Block 15, Lot 62, commonly known as 23 Fieldstone Drive; and

WHEREAS, as a result of encroachments constructed by the owners, the Township Engineer has reviewed and recommends a restoration plan which involves reducing the conservation easement on a portion of the property and expanding the conservation easement on another portion of the property; and

WHEREAS, a release and extinguishment of the public rights and interests in that portion of the conservation easement described in Deed from Eldan Construction Corp. to the Township of Washington dated September 4, 1981 and recorded on November 5, 1981 in the Office of the Morris County Clerk in Deed Book 2610, Page 231 et seq., which is on Block 15, Lot 62 only, in consideration of the dedication of a revised conservation easement on Block 15, Lot 62, would be in the public interest; and

WHEREAS, by deed dated March 5, 2014, William E. McKernan and Maritza T. McKernan have dedicated a revised conservation easement to the Township of Washington on Block 15, Lot 62.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Washington, in the County of Morris, and State of New Jersey, as follows:

SECTION 1. That portion of the conservation easement dedicated to the Township of Washington by Deed from Eldan Construction Corp. to the Township of Washington dated September 4, 1981 and recorded on November 5, 1981 in the Office of the Morris County Clerk in Deed Book 2610, Page 231 et seq., which is on Block 15, Lot 62 only as described on Exhibit A attached hereto, be and is hereby vacated and the public rights therein be and the same are hereby forever extinguished, and said lands referred to shall be held by the owner thereof free and discharged from all public rights, as if said public rights had never existed.

SECTION 2. The Conservation Easement dated March 5, 2014 from William E. McKernan and Maritza T. McKernan to the Township of Washington conveying a revised conservation easement as described and depicted on Exhibits B and C, attached hereto, is hereby accepted and the Township Attorney is authorized to record the conservation easement in the offices of the Morris County Clerk.

SECTION 3. The Township Clerk shall, within sixty (60) days after this ordinance becomes effective, file a certified copy thereof, under the seal of the Township of Washington, together with a copy of the Proof of Publication thereof, in the Office of the Morris County Clerk.

SECTION 4. All ordinances of the Township of Washington that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 5. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this ordinance.

SECTION 6. This ordinance shall take effect immediately upon final passage, approval, and publication as required by law.

ATTEST:

TOWNSHIP OF WASHINGTON
COUNTY OF MORRIS
STATE OF NEW JERSEY

Nina DiGregorio, Township Clerk

By: _____
Kenneth W. Short, Mayor

I, Nina DiGregorio, Township Clerk of the Township of Washington, do hereby certify the foregoing to be a true copy of an Ordinance Adopted by the Township at a meeting held on April 21, 2014.

Nina DiGregorio, Township Clerk

Date