

RO-07-13

ORDINANCE AUTHORIZING THE MODIFICATION OF A CONSERVATION EASEMENT ON PROPERTY KNOWN AS BLOCK 28, LOT 19 AS SHOWN ON THE TAX MAPS OF THE TOWNSHIP OF WASHINGTON, COUNTY OF MORRIS, STATE OF NEW JERSEY

WHEREAS, the Washington Township Municipal Utilities Authority (“WTMUA”) is the owner of Block 28, Lot 19 as shown on the Tax Maps of the Township of Washington also known as 46 East Mill Road (the “Property”); and

WHEREAS, the Property is subject to a conservation easement conveyed to the Township of Washington by deed dated December 10, 1996; and

WHEREAS, the terms of the conservation easement provide that the WTMUA shall be permitted to apply to the Planning Board of the Township for a modification of any restrictions contained within the easement which restrict the ability of the WTMUA to fulfill its purposes; and

WHEREAS, in connection with the provision of water service to the residents on Parker Road and Schoolhouse Lane in response to the well water contamination from the Combe South Landfill, the WTMUA has requested that the terms of the easement be modified to permit the construction/maintenance of a new well, water main piping, electrical panel and service, paved driveway, drainage outfall for the blow-off of the well at the pump building as well as other appurtenances necessary for the operation of the pump building (which will be located outside of the conservation easement); and

WHEREAS, the Planning Board considered the request of the WTMUA at its meeting held on February 11, 2013 and recommended that the Township Committee grant the WTMUA’s request to modify the conservation easement restriction to allow for water supply and distribution improvements; and

WHEREAS, the Township Committee has determined that the conservation easement should be modified as requested by the WTMUA and recommended by the Planning Board subject to any approval(s) and/or changes required by the New Jersey Department of Environmental Protection.

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. The Township Committee hereby authorizes the modification of the conservation easement restrictions on Block 28, Lot 19 to permit the structures and encroachments

designated on the following plans, subject to any approval(s) and/or changes required by the New Jersey Department of Environmental Protection:

“Washington Township MUA Water Distribution System Improvements, sheets 4 and 5 of 21, prepared by Suburban Consulting Engineers, Inc. dated January 15, 2013;

Easement Map, Washington Township MUA, Lot 19, Block 28, prepared by Ferriero Engineering, Inc. dated November 5, 2007 revised November 26, 2007.”

SECTION 2. Copies of the referenced plans are on file in the office of the Township Clerk.

SECTION 3. The Mayor, the Township Clerk and the Township Attorney and all other proper officers and employees of the Township are hereby authorized and directed to take any and all steps necessary to effectuate the purposes of this ordinance, including recording a copy of this ordinance in the Morris County Clerk’s office.

SECTION 4. 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

Deborah A. Burd, Acting Clerk

Kenneth W. Short, Mayor

I, Deborah A. Burd, Acting Clerk, do hereby certify that the foregoing ordinance was adopted at a meeting of the Township Committee held on April 15, 2013.

Deborah A. Burd, Acting Clerk

Date