

Ordinance: This Ordinance authorizes the release of the Township’s conservation easement interests in a portion of property located on Block 5, Lot 1.01 as designated on the Tax Map of the Township of Warren in exchange for the donation of land located at Block 35, Lot 4 as designated on the Tax Map of the Township of Warren, plus \$110,000.

TOWNSHIP OF WARREN

ORDINANCE NO. 19-28

WHEREAS, the Township of Warren holds a conservation easement (the “Conservation Easement”) across property known as Block 5, Lot 1.01 as shown on the Tax Map of the Township of Warren; and

WHEREAS, Jersey Central Power & Light (“JCP&L”) is the owner of property located at Block 35, Lot 4 as shown on the Tax Map of the Township of Warren; and

WHEREAS, JCP&L desires to construct a substation on a portion of Block 5, Lot 1.01 that includes the Conservation Easement in order to enhance the reliability of service to existing customers, including customers in Warren Township, and to serve the needs of future demand; and

WHEREAS, by Ordinance 19-05, Warren Township authorized the release of a 3.60 acre portion of the Conservation Easement located pursuant to the New Jersey Conservation Restriction and Historic Preservation Restriction Act subject the receipt of a Certificate of Approval of the release from the Commissioner of the New Jersey Department of Environmental Protection (the “Commissioner”); and

WHEREAS, a Certificate of Approval dated May 31, 2019, a copy of which is annexed hereto as Schedule A, was received from the Commissioner on June 6, 2019; and

WHEREAS, an application for a major disposal (the “Disposal Application”) to remove the Green Acres restrictions from the Conservation Easement required the approval of the Commissioner of the Department of Environmental Protection and the State House Commission pursuant to N.J.A.C. 7:36-26; and

WHEREAS, the Disposal Application was approved by the Commissioner on March 14, 2019 and by the State House Commission on May 9, 2019; and

WHEREAS, in exchange for the release of the Township’s interest in the Conservation Easement, JCP&L intends to donate to the Township a 16.5 acre parcel of land located at Block 35, Lot 4 as shown on the Tax Map of the Township of Warren (the “Donation Parcel”) to be used

for conservation purposes, plus a monetary contribution (the “Monetary Contribution”) in the amount of \$110,000; and

WHEREAS, the Donation Parcel, together with the Monetary Contribution, is at least of equal value to the Conservation Easement to be released as determined by appraisals prepared by McNerney & Associates, Inc. which were accepted by the Department of Environmental Protection and reviewed and approved by the Township Tax Assessor; and

WHEREAS, acquisition of the Donation Parcel is more advantageous to the Township for public use than the Conservation Easement; and

WHEREAS, the release of the Conservation Easement in exchange for the donation of the Donation Parcel plus the Monetary Contribution is authorized by N.J.S.A. 40A:12-16.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Warren, in the County of Somerset, State of New Jersey, as follows:

1. The Township Committee hereby approves the release of the Conservation Easement in exchange for the donation of the Donation Parcel plus the Monetary Contribution.
2. The Mayor and the Township Clerk are hereby authorized to execute any and all documents necessary to effectuate such exchange.
3. This Ordinance will take effect upon final approval and publication, according to law.

ATTEST:

WARREN TOWNSHIP COMMITTEE

Cathy Reese, RMC
TOWNSHIP CLERK

Gary DiNardo
MAYOR

INTRODUCED: JUNE 13, 2019

ADOPTED: JULY 18, 2019

EFFECTIVE: JULY 25, 2019