

Explanation: This Ordinance authorizes the vacation of a portion of a certain Conservation Easement located on Block 5, Lot 1.01 (formerly Block 102, Lots 1 & 18) as shown on the Tax Map of the Township of Warren.

**TOWNSHIP OF WARREN  
ORDINANCE NO. 17-24**

**AN ORDINANCE AUTHORIZING THE VACATION OF A PORTION OF A CONSERVATION  
EASEMENT ON BLOCK 5 LOT 1.01**

**WHEREAS**, Jersey Central Power & Light (“JCP&L”) has requested that the Township of Warren (the “Township”) vacate a portion of a conservation easement (the “Conservation Easement”) located on Block 5, Lot 1.01 (formerly Block 102, Lots 1 & 18) as shown on the Tax Map of the Township of Warren; and

**WHEREAS**, the portion of the Conservation Easement to be vacated was created by a Declaration of Restrictive Covenant (the “Declaration of Restrictive Covenant”) dated January 31, 1985 by Bellemead Development Corporation for the benefit of the Township of Warren, which Declaration of Restrictive Covenant was recorded in the Somerset County Clerk’s Office on August 26, 1985, in Book 1551, page 401; and

**WHEREAS**, the portion of the Conservation Easement to be vacated is set forth on the metes and bounds description dated September 27, 2017 entitled “Description of a portion of a Conservation Easement across Lot 1.01 in Block 5 to be extinguished in the Township of Warren, Somerset County, New Jersey”, a copy of which is annexed hereto as Schedule A; and

**WHEREAS**, in consideration for the vacation of a portion of the Conservation Easement by the Township, JCP&L shall grant to the Township property owned by JCP&L located at Block 35, Lot 4 (to be restricted for open space and conservation purposes); and

**WHEREAS**, the Township Engineer has reviewed the request and has no objection to the vacation of a portion of the Conservation Easement; and

**WHEREAS**, the Township, as the owner of the dominant estate, now desires to vacate, release and extinguish all rights to and interest in that portion of the Conservation Easement set forth in Schedule A annexed hereto, as authorized by the Declaration of Restrictive Covenant.

**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. Any and all rights or interests that the Township has acquired as a result of the Conservation Easement to the portion of Block 5, Lot 1.01 (formerly Block 102, Lots 1 & 18) as set forth on Schedule A annexed hereto, are hereby vacated, released, and extinguished.
  
2. The Mayor and Township Clerk are hereby authorized to execute a Release of Conservation Easement, a copy of which is annexed hereto as Exhibit B.

**ATTEST:**

**WARREN TOWNSHIP COMMITTEE**

\_\_\_\_\_  
Cathy Reese RMC  
Township Clerk

By: \_\_\_\_\_  
Carolann Garafola, Mayor

**INTRODUCED**      **October 5, 2017**

**ADOPTED**      **TABLED – NOT PAST**

**EFFECTIVE**

# SCHEDULE A

DESCRIPTION OF A PORTION OF A CONSERVATION EASEMENT  
ACROSS LOT 1.01 IN BLOCK 5 TO BE EXTINGUISHED  
IN THE TOWNSHIP OF WARREN  
SOMERSET COUNTY, NEW JERSEY

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PARCEL 1

BEGINNING at a point in the easterly CORNER OF Lot 1.01 in Block 5, said point also being the northwesterly corner of Lot 1.02 in Block 5, running thence;

1. Along the division line between Lots 1.01 and 1.02 in Block 5, S 46°48'34" E, 630.00' to a point, thence;
2. Along same, N 44°55'11" E, 69.78' to a point, thence;
3. Across Lot 1.01 in Block 5, S 48°29'59" E, 148.78' to a point, thence;
4. Across same, S 43°53'05" W, 179.06' to a point, thence;
5. Across same, N 73°04'11" W, 99.95' to a point, thence;
6. Across same, S 45°50'20" W, 151.36' to a point, thence;
7. Across same, N 86°47'51" W, 369.43' to a point, thence;
8. Across same, N 48°47'55" W, 165.31' to a point, thence;
9. Across same, N 34°28'15" E, 81.59' to a point, thence;
10. Across same, N 0°27'30" E, 194.12' to a point, thence;
11. Across same, N 34°28'15" E, 222.81' to a point, thence;
12. Across same, N 13°59'24" E, 114.56' to the point or place of BEGINNING.

Containing 299,399 square feet, 6.873 acres.

**PARCEL 2**

BEGINNING at a point in the northeast corner of Lot 1.01 in Block 5, said point being along the westerly side of the Dead River running, thence;

1. Along the westerly side of the Dead River, S 27°10'19" E, 126.51' to a point, thence;
2. Along same, S 46°11'10" E, 44.31' to a point, thence;
3. Across Lot 1.01 in Block 5, S 4°19'53" E, 84.41' to a point, thence;
4. Across same, S 56°12'15" E, 76.73' to a point, thence;
5. Across same, S 15°31'36" W, 18.20' to a point, thence;
6. Across same, along the northerly line of a 24' wide access easement, N 53°31'44" W, 224.17' to a point, thence;
7. Across Lot 1.01 in Block 5, N 8°34'53" W, 151.41' to a point, thence;
8. Along the division line between Lot 1.01 in Block 5 and Lot 1 in Block 4, N 84°28'16" E, 48.07' to the point or place of BEGINNING.

Containing 18,623 square feet, 0.427 acres.

**PARCEL 3**

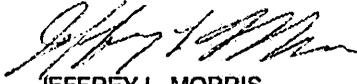
BEGINNING at a point in Lot 1.01 in Block 5, said point being on the northerly line of a 30' wide sanitary sewer easement and also being the following courses and distances from a westerly property corner of Lot 1.01 in Block 5, running thence;

- A. Across Lot 1.01 in Block 5, S 74°48'34" E, 113.20' to a point, thence;
- B. Across same, N 43°11'26" E, 116.01' to the point of BEGINNING of this description, running thence;
  1. Across Lot 1.01 in Block 5 along the northerly line of a 30' wide sanitary sewer easement, N 74°48'18" W, 154.63' to a point, thence;
  2. Across same, N 25°18'18" E, 87.95' to a point, thence;

3. Across same along the southerly side of a 24' wide access easement, S 53°31'44" E, 135.44' to a point, thence;

4. Across same, S 3°55'45" E, 39.63' to the point or place of BEGINNING.

Containing 8,738 square feet, 0.201 acres.



JEFFREY L. MORRIS  
Professional Engineer and Land Surveyor  
New Jersey Lic. No. 30979  
September 27, 2017

# EXHIBIT B

Record and Return to:  
Cathy Reese, Township Clerk  
Township of Warren  
46 Mountain Boulevard  
Warren, New Jersey 07059

Prepared by:

\_\_\_\_\_  
Susan F. Bateman, Esq.

## RELEASE OF PORTION OF CONSERVATION EASEMENT

THIS RELEASE OF A PORTION OF A CONSERVATION EASEMENT is made on the \_\_\_\_\_ day of \_\_\_\_\_, 2017, by and between:

**TOWNSHIP OF WARREN**, a municipal corporation of New Jersey, having its address at 46 Mountain Boulevard, Warren, New Jersey 07059, hereinafter called the "Grantor", and

**184 PROPERTY OWNERS, LLC**, 53 Maple Avenue, Morristown, New Jersey 07960, hereinafter the "Grantee".

### WITNESSETH

**WHEREAS**, Grantee is the fee simple title owner, on or before the date of recordation hereof, of that certain tract of land lying and being in the Township of Warren, County of Somerset and State of New Jersey, identified as Block 5, Lot 1.01 (formerly Lots 1 & 18, Block 102) as shown on the Official Tax Map of the Township of Warren, (the "Grantee's Property"); and

**WHEREAS**, by Declaration of Restrictive Covenant from Bellemeade Development Corporation, Grantee's predecessor-in interest, dated January 31, 1985, and recorded in the Somerset County Clerk's Office on August 26, 1985, in Book 1551, page 401, Grantor received and is the beneficial owner of that certain Conservation Easement (the "Conservation Easement") on Grantee's Property; and

**WHEREAS**, Grantor desires to extinguish, cancel, vacate and annul a portion of the Conservation Easement as set forth in the description dated September 27, 2017 entitled "Description of a Portion of a Conservation Easement Across Lot 1.01 in Block 5 to be Extinguished in the Township of Warren, Somerset County, New Jersey" annexed hereto as Schedule A;

**NOW, THEREFORE**, in consideration of ONE DOLLAR (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, the portion of the Conservation Easement as set forth in Schedule A annexed hereto is hereby extinguished, and Grantor hereby releases, quitclaims, and abandons unto Grantee all of Grantor's rights and interests to that portion of the Conservation Easement.

This Release of a Portion of a Conservation Easement shall not affect any other easements of record for the properties, nor shall it affect the remainder of the Conservation Easement.

Wherever in this instrument any party shall be designated or referred to by name or general reference, such designation is intended to and shall have the same effect as if the words "heirs, executors, administrators, personal or legal representatives, successors and assigns" had been inserted after each and every such designation. All the terms, covenants and conditions herein contained shall be for and shall inure to the benefit of and shall bind the respective parties hereto and their heirs, executors, administrators, personal or legal representatives, successors and assigns, respectively.

This instrument shall in all respects be governed by and construed in accordance with the laws of the State of New Jersey.

The provisions of this instrument may not be amended, modified or terminated without the express written consent of the Grantor and Grantee, or their successors or assigns, and no such amendment, modification or termination shall be effective for any purpose unless set forth in writing and signed by the Grantor and Grantee, or their successors or assigns.

**IN WITNESS WHEREOF**, the parties hereto have hereunto set their hands and seals.

ATTEST:

**TOWNSHIP OF WARREN**

\_\_\_\_\_  
Cathy Reese,  
Township Clerk

By: \_\_\_\_\_  
Carolann Garafola,  
Mayor

ATTEST:

**184 PROPERTY OWNERS, LLC**

\_\_\_\_\_ By: \_\_\_\_\_

STATE OF NEW JERSEY )  
 ) ss:  
COUNTY OF SOMERSET )

I CERTIFY that on \_\_\_\_\_, 2017, Cathy Reese, personally came before me and this person acknowledged under oath, to my satisfaction, that:

- a. this person is the Clerk of the TOWNSHIP OF WARREN, the municipal corporation named in the attached document;
- b. this person is the attesting witness to the signing of this document by the proper municipal officer who is Carolann Garafola, the Mayor of the municipal corporation;
- c. this document was signed and delivered by the municipal corporation as its voluntary act duly authorized by a proper resolution of the Township Committee;
- d. this person knows the proper seal of the municipal corporation which was affixed to this document; and
- e. this person signed this proof to attest to the truth of these facts; and

\_\_\_\_\_  
Cathy Reese, Clerk

Signed and sworn to before me on  
this \_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_  
Name:

STATE OF \_\_\_\_\_ )  
 ) SS.:  
COUNTY OF \_\_\_\_\_ )

I CERTIFY that on \_\_\_\_\_, 2017, \_\_\_\_\_ personally came before me and this person acknowledged under oath, to my satisfaction, that:

- (a) this person is the Managing Member of 184 Property Owner, LLC the limited liability company named in the attached document;

(b) this document was signed and delivered by \_\_\_\_\_ on behalf of the limited liability company as a voluntary act, duly authorized by the operating agreement or a resolution of the limited liability company; and

(c) this person signed this proof to attest to the truth of these facts;

\_\_\_\_\_  
Name:

Signed and sworn to before me on  
this \_\_\_\_\_ day of \_\_\_\_\_, 2017.

\_\_\_\_\_