

**TOWNSHIP OF RARITAN
COUNTY OF HUNTERDON, NEW JERSEY**

ORDINANCE #19-12

AN ORDINANCE VACATING AN EXISTING DECLARATION OF CONSERVATION EASEMENT AND AUTHORIZING AND ACCEPTING AN AMENDED DECLARATION OF CONSERVATION EASEMENT ON PROPERTY KNOWN AND DESIGNATED AS BLOCK 16.01, LOTS 35, 36 AND 38 AS SHOWN ON THE TAX MAP OF THE TOWNSHIP OF RARITAN

WHEREAS, Flemington Fair and Speedway Corporation (“FFSC”) is the owner of property known and designated as Block 16.01, Lot 35 on the Tax Map of the Township of Raritan (the “FFSC Property”); and

WHEREAS, Resnick Development, LLC (“Resnick”) is the owner of property known and designated as Block 16.01, Lot 36 on the Tax Map of the Township of Raritan (the “Resnick Property”); and

WHEREAS, Raritan Town Square, L.L.C. (“RTS”) is the owner of property known and designated as Block 16.01, Lot 38 on the Tax Map of the Township of Raritan (the “RTS Property”); and

WHEREAS, on May 23, 2011, the Raritan Township Planning Board granted amended major site plan approval, minor subdivision (lot line) approval, and variance relief for property (the “Property”) located at Block 16.01, Lots 35, 36 & 38 as shown on the Tax Map of the Township of Raritan, which approval was memorialized by Resolution 8-2011 (the “2011 Resolution”); and

WHEREAS, the 2011 Resolution required the execution of a conservation easement on the Property; and

WHEREAS, in connection with the 2011 Resolution, FFSC, Resnick and RTS (collectively, the “Grantors”) executed a Declaration of Conservation Easement (the “Conservation Easement”) dated February 2, 2012 which was duly recorded in the Office of the Hunterdon County Clerk at Book 2284, page 618 on March 9, 2012; and

WHEREAS, the Conservation Easement encumbered three properties as follows: a portion of the Resnick Property (“Conservation Easement Area 1”); a portion of the Resnick Property and FFSC Property (“Conservation Easement Area 2”); and a portion of the RTS Property (“Conservation Easement Area 3”) (collectively, Conservation Easement Area 1, Conservation Easement Area 2 and Conservation Easement Area 3 shall be known as the “Natural Area”); and

WHEREAS, on June 13, 2018, the Raritan Township Planning Board granted amended site plan approval, which was memorialized by Resolution 13-2018 (the “2018 Resolution”) in connection with further development of a residential building and a mixed use building and associated site improvements on the FFSC Property and the Resnick Property in conjunction with

an agreement by Raritan Towns Square to set aside a percentage of residential units to be available for low and moderate income households; and

WHEREAS, in connection with the 2018 Resolution and a permit issued by the New Jersey Department of Environmental Protection to fill certain wetlands as indicated on FWGP6 bearing Permit Number 1021-03-0008.2 FWW170001 dated June 1, 2018, the Natural Area shall be revised as permitted by the Conservation Easement so that the area known as Conservation Easement Area 2 shall be vacated; and

WHEREAS, the Grantors have prepared a proposed Amended Declaration of Conservation Easement which releases from all restrictions that portion of the Natural Area known as Conservation Easement Area 2 previously encumbered by the Conservation Easement, and further identifies those portions of the Natural Area known as Conservation Easement Area 1 and Conservation Easement Area 3 which remain subject to the restrictions of the Conservation Easement; and

WHEREAS, by letter dated February 11, 2019, Grantors have requested that the Township vacate and release for development Conservation Easement Area 2 and authorize and approve the execution of the proposed Amended Declaration of Conservation Easement; and

WHEREAS, the Township Attorney and Township Engineer have reviewed and approved the proposed Amended Declaration of Conservation Easement.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Raritan, as follows:

1. The Township Committee hereby authorizes the vacation and release from restrictions of that portion of the Natural Area known as Conservation Easement Area 2, as more particularly described in the Amended Declaration of Conservation Easement, and confirming the Conservation Easement restrictions on those areas of the Natural Area known as Conservation Easement Area 1 and Conservation Easement Area 3, as more particularly described in the Amended Declaration of Conservation Easement.
2. The Township Committee further authorizes and approves the execution of the Amended Declaration of Conservation Easement, a copy of which is annexed hereto.
3. Upon adoption, a certified copy of this Ordinance shall be forwarded to Kimberly Bennett, Esq., Fox Rothschild LLP, P.O. Box 5231, Princeton, New Jersey 08543-5231, with directions to forward a fully executed copy of the Amended Declaration of Conservation Easement, together with all attachments, to the Township Clerk for recording.

DATE ADOPTED: May 21, 2019

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**TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF RARITAN**

Lisa Fania

Lisa Fania, RMC
Township Clerk

Jeff Kuhl

Jeff Kuhl
Mayor