

**AN ORDINANCE OF THE TOWNSHIP OF LAKEWOOD,
COUNTY OF OCEAN, AND STATE OF NEW JERSEY,
AUTHORIZING THE GRANTING OF A CONSERVATION
RESTRICTION/EASEMENT (FOREST AND RIPARIAN ZONE
PRESERVATION AREAS) TO THE NEW JERSEY
DEPARTMENT OF ENVIRONMENTAL PROTECTION OF
PROPERTIES DESIGNATED HEREIN AS TOWNSHIP-OWNED
PROPERTIES OUTSIDE OF PARTIALLY OUTSIDE SEWER
SERVICE AREAS, LYING WITHIN THE TOWNSHIP OF
LAKEWOOD, COUNTY OF OCEAN, STATE OF NEW JERSEY,
PURSUANT TO N.J.S.A. 40A:12-13(b)(1) AND N.J.S.A 13:8B-3.**

WHEREAS, the Township of Lakewood is the owner of real property as set forth on the attached Schedule of Township-owned properties outside o Partially outside sewer service areas lying within the Township of Lakewood, County of Ocean, State of New Jersey (collectively the "Property"); and

WHEREAS, pursuant to N.J.S.A. 40A:12-13(b)(1) and N.J.S.A. 13:8B-3, the Township Committee may, by ordinance, sell any real property, capital improvements or personal property or any interest therein not needed for public use at a private sale to any political subdivision, agency, department, commission, board, or body corporate and politic; and

WHEREAS, pursuant to N.J.S.A. 13:8B-3 New Jersey Department of Environmental Protection may acquire conservation restrictions/easements in the name of the State of New Jersey for the purposes as defined at N.J.S.A. 13:8B-2(b); and

WHEREAS, The Lakewood Township Committee has determined that the Properties set forth herein should be encumbered by a Conservation Restriction/Easement to the New Jersey Department of Environmental Protection as part of a plan to provide efficient management of all lands located within the Township; and

WHEREAS, this property without said restriction/easement is not needed for public use as it is presently maintained, inasmuch as said properties are outside the Sewer Service areas of the township; and

WHEREAS, inasmuch as this transfer is from the municipality to an agency of the Township of Lakewood, same should be made for a nominal consideration of one dollar (\$1.00); and

WHEREAS, this transfer shall benefit the residents of the Township of Lakewood through the more efficient management of the property and the township's facilities.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Lakewood, County of Ocean, and State of New Jersey, as follows:

SECTION 1. In accordance with N.J.S.A. 40A:12-13(b)(1) and N.J.S.A. 13:8B-3, the Township Committee does hereby authorize the private sale and transfer of conservation restrictions/easements of the Properties attached hereto as Schedule A lying within the Township of Lakewood, County of Ocean, State of New Jersey to the New Jersey Department of Environmental Protection to permit the acquisition of conservation restrictions/easements in the name of the State of New Jersey for the purposes as defined at N.J.S.A. 13:8B-2(b) and as more specifically set forth in the attached "Grant of Conservation Restriction/Easement" for the nominal sum of one dollar (\$1.00).

SECTION 2. The Mayor, or in his absence the Deputy Mayor, and Township Clerk are authorized to execute the deed and any and all other documents necessary to effectuate this transfer.

SECTION 3. The Township Clerk shall publish, this ordinance, after being introduced and having passed a first reading, at least once not less than 10 days prior to the time fixed for further consideration for final passage.

SECTION 4. The township of Lakewood makes no representations with regard to the Property or title. This conveyance is made "as is."

SECTION 5. A certified copy of the Ordinance shall be posted on the bulletin board or other conspicuous place in the municipal building.

SECTION 6. That all ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 7. If any section, subsection, paragraph, sentence or any part of this ordinance is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this ordinance not directly involved in the controversy in which such judgment shall have been rendered.

SECTION 8. This Ordinance shall take effect upon final passage and publication in accordance with law.

NOTICE

PUBLIC NOTICE is hereby given that the foregoing ordinance was introduced at a meeting of the Township Committee of the Township of Lakewood, in the County of Ocean and State of New Jersey on the **10th day August, 2017**, and was then read for the first time. The said Ordinance will be further considered for final passage by the Township Committee in the Town Hall at 7:30 p.m. on **August 31, 2017**. At such time and place or any time or place to which said meeting may be adjourned, all persons interested will be given an opportunity to be heard concerning said ordinance.

Kathryn Hutchinson, RMC
Township Clerk