

**TOWNSHIP OF HARDYSTON**

**ORDINANCE NO. 2020-02**

**AN ORDINANCE OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON, COUNTY OF SUSSEX, STATE OF NEW JERSEY AUTHORIZING EXECUTION OF THE TERMINATION OF EASEMENTS FOR CONSERVATION EASEMENTS ON BLOCK 63, LOT 26 ON THE TAX MAP OF THE TOWNSHIP OF HARDYSTON**

**WHEREAS**, the Township of Hardyston (“Township”) holds two conservation easements to portions of Block 63, Lot 26 on the Tax Map of the Township of Hardyston, commonly known as 138 Wheatsworth Road, Hardyston, County of Sussex, State of New Jersey (“Property”); and

**WHEREAS**, the Conservations Easements were established by way of a Deed from CJS Investments, Inc. to Barbara Wood dated November 23, 2009 and recorded in the Sussex County Clerk’s Office November 25, 2009 in Deed Book 3238 Page 985 (“Deed”); and

**WHEREAS**, the current owner of the Property, Madge C. McIntyre as Executrix of the Estate of Barbara Wood, has requested that the Conservations Easements be terminated in order for those portions of the Property to be donated to the New Jersey Department of Environmental Protection; and

**WHEREAS**, in consultation with the Township Manager and Township Attorney, the Township has considered the circumstances and finds that it is reasonable to terminate the Conservation Easements in order to facilitate the donation of the land; and

**WHEREAS**, the Local Buildings and Lands Law, N.J.S.A. 40A:12-13(b)(4), authorizes the Township to extinguish and terminate an easement and to execute an agreement confirming same provided that action is authorized by Ordinance; and

**WHEREAS**, pursuant to N.J.S.A. 40A:12-13(b), the Township Clerk has filed a sworn affidavit verifying the publication of advertisements as required by this section to the Director of the Division of Local Government Services in the Department of Community Affairs.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Hardyston, County of Sussex, State of New Jersey, as follows:

**SECTION 1.** The findings set forth in the foregoing preamble are hereby incorporated as if fully restated.

**SECTION 2.** The Township Manager and Township Clerk are hereby authorized and directed to execute the Termination of Easements terminating the two Conservation Easements on portions of Block 63, Lot 26, the form and substance of which shall be subject to the review and approval of the Township Attorney.

**SECTION 3.** The Township Manager, Township Clerk, and Township Attorney are hereby authorized and directed to execute and file any and all such documents and undertake any and all such actions as may be reasonably necessary to effectuate the terms hereof.

**SECTION 4.** If any section, subsection, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court or

competent jurisdiction, such decision shall not affect the remaining portion of this Ordinance.

**SECTION 5.** All ordinances or parts of ordinances which are inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 6.** This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

**BY ORDER OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF HARDYSTON.**

**ATTEST:**

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**JANE BAKALARCZYK**  
**TOWNSHIP CLERK**

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**STANLEY J. KULA**  
**MAYOR**

**NOTICE**

**PLEASE TAKE NOTICE** that notice is hereby given that the above ordinance was introduced and passed at the regular meeting of the Hardyston Township Council held at the Municipal Building, 149 Wheatsworth Road, Hardyston, New Jersey, on February 26, 2020. The same came up for final adoption at a meeting of the Township Council of the Township of Hardyston held on March 11, 2020, and after all persons present were given the opportunity to be heard concerning the same, it was finally passed, adopted and will be in full force and effect in the Township according to law.