

**ORDINANCE NO. 2024-3442**

**TOWNSHIP OF MIDDLETOWN  
COUNTY OF MONMOUTH**

**ORDINANCE AUTHORIZING ACCEPTANCE OF DECLARATION OF  
RESTRICTIVE AND PROTECTIVE COVENANTS FOR STORMWATER  
MAINTENANCE AND VARIOUS RELATED DEED OF EASEMENTS  
OVER PORTIONS OF BLOCK 720, LOTS 4.01, 4.02, 4.03, 4.04 AND  
4.05 (ATLANTIC AVENUE)**

**WHEREAS**, on May 1, 2024, pursuant to Planning Board Resolution No. 2023-400, the Township of Middletown (the "**Township**") Planning Board granted Major Subdivision Approval to 500 Central AH, LLC, with the condition that it provide the Township with: (i) a right-of-way dedication as to Block 720, proposed Lot 4.01; (ii) a conservation easement as to Block 720, proposed Lots 4.02, 4.03 and 4.05; (iii) a conservation easement along Block 720, proposed Lot 4.01; (iv) sight triangle easements as to Block 720, proposed Lots 4.01 and 4.04; (v) a conservation easement for steep slopes as to Block 720, proposed Lots 4.01, 4.02 and 4.03, and (vi) a Declaration of Covenants for Stormwater Maintenance for Block 720, Lots 4.01, 4.02, 4.03, 4.04 and 4.05; and

**WHEREAS**, N.J.S.A. 40A:12-4(a) authorizes municipalities to acquire interests in real property, including easements, and N.J.S.A. 40A:12-5(a) requires the acquisition of such interests be authorized by ordinance; and

**WHEREAS**, the Township Attorney and Engineer have reviewed the proposed forms of the following instruments, and recommend acceptance of the same:

- (i) Deed of Dedication as to Block 720, part of proposed Lot 4.01 containing 1048 (+/-) square feet, and the accompanying property description prepared by Charles Surmonte P.E. & L.S., dated April 19, 2024 annexed hereto as **Exhibit A** (the "**Deed of Dedication**");
- (ii) Deed of Conservation Easement as to Block 720, part of proposed Lots 4.02, 4.03 and 4.05 containing 5855 (+/-) square feet, and the accompanying property description prepared by Charles Surmonte P.E. & L.S., dated April 19, 2024 annexed hereto as **Exhibit B** (the "**Deed of Conservation Easements as to Lots 4.02, 4.03 and 4.05**");
- (iii) Deed of Conservation Easement as to Block 720, part of proposed Lot 4.01 containing 3177 (+/-) square feet, and the

accompanying property description prepared by Charles Surmonte P.E. & L.S., dated April 19, 2024 annexed hereto as **Exhibit C** (the “**Deed of Conservation Easement as to Lot 4.01**”);

- (iv) Deed of Sight Easement as to Block 720, part of proposed Lots 4.01 and 4.04 containing 3177 (+/-) square feet, and the accompanying property description prepared by Charles Surmonte P.E. & L.S., dated April 19, 2024 annexed hereto as **Exhibit D** (the “**Deed of Sight Easements**”);
- (v) Deed of Conservation Easement for Steep Slopes as to Block 720, Lots 4.01, 4.02 and 4.03 containing a 881 (+/-) square foot portion of proposed Lot 4.01 and a 2245 (+/-) square foot portion of proposed Lots 4.01, 4.02 and 4.03, and the accompanying property description prepared by Charles Surmonte P.E. & L.S., dated July 10, 2024 annexed hereto as **Exhibit E** (the “**Deed of Conservation Easement for Steep Slopes**”); and
- (vi) Declaration of Restrictive and Protective Covenants for Stormwater Maintenance for Block 720, Lots 4.01, 4.02, 4.03, 4.04 and 4.05 containing a 17,974 (+/-) square foot portion of Lot 4.01, a 16,507 (+/-) square foot portion of Lot 4.02, an 18,790 (+/-) square foot portion of Lot 4.03, a 17,270 (+/-) square foot portion of Lot 4.04, and a 16,838 (+/-) square foot portion of Lot 4.05, and the accompanying property descriptions prepared by Charles Surmonte P.E. & L.S., dated April 19, 2024, last revised July 10, 2024 annexed hereto as **Exhibit F** (the “**Declaration of Restrictive and Protective Covenants for Stormwater Maintenance**”).

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Middletown, County of Monmouth, State of New Jersey, as follows:

1. The findings set forth in the foregoing recitals are hereby incorporated as if fully restated herein.
2. The Mayor and Township Clerk are hereby authorized to execute the Deed of Dedication attached hereto as **Exhibit A** subject to the final review and approval of the Township Attorney and Township Engineer.
3. The Mayor and Township Clerk are hereby authorized to execute the Deed of Conservation Easement as to Lots

4.02, 4.03 and 4.05 attached hereto as **Exhibit B** subject to the final review and approval of the Township Attorney and Township Engineer.

4. The Mayor and Township Clerk are hereby authorized to execute the Deed of Conservation Easement as to Lot 4.01 attached hereto as **Exhibit C** subject to the final review and approval of the Township Attorney and Township Engineer.
5. The Mayor and Township Clerk are hereby authorized to execute the Deed of Sight Easements attached hereto as **Exhibit D** subject to the final review and approval of the Township Attorney and Township Engineer.
6. The Mayor and Township Clerk are hereby authorized to execute the Deed of Conservation Easement for Steep Slopes attached hereto as **Exhibit E** subject to the final review and approval of the Township Attorney and Township Engineer.
7. The Mayor and Township Clerk are hereby authorized to execute the Declaration of Restrictive and Protective Covenants for Stormwater Maintenance attached hereto as **Exhibit F** subject to the final review and approval of the Township Attorney and Township Engineer.
8. The Mayor, Township Clerk, Township Attorney, and Township Administrator are hereby authorized and directed to execute and file all such documents and undertake all actions as may be reasonably necessary to effectuate the acquisition of the easement authorized herein.
9. All ordinances and resolutions, and parts of ordinances and resolutions, which are inconsistent with provisions of this ordinance shall be, and are hereby, repealed to the extent of any such inconsistency.
10. This Ordinance shall take effect upon passage and publication in accordance with law.

**Exhibit A**

Deed of Dedication for Block 720, Lot 4.01

**Exhibit B**

Deed of Conservation Easement as to Block 720, Lots 4.02, 4.03 and 4.05

**Exhibit C**

Deed of Conservation Easement as to Block 720, Lot 4.01

**Exhibit D**

Deed of Sight Easement as to Block 720, Lots 4.01 and 4.04

**Exhibit E**

Deed of Conservation Easement for Steep Slopes as to Block 720, Lots  
4.01, 4.02 and 4.03

**Exhibit F**

Declaration of Restrictive and Protective Covenants for Stormwater  
Maintenance for Block 720, Lots 4.01, 4.02, 4.03, 4.04 and 4.05