

ORDINANCE NO. 2023-

**TOWNSHIP OF MIDDLETOWN
COUNTY OF MONMOUTH**

**ORDINANCE AUTHORIZING ACCEPTANCE OF DEED OF CONSERVATION
EASEMENT UPON A PORTION OF BLOCK 698, LOT 12.01 (59 OAKLAND AVENUE)**

WHEREAS, on June 7, 2023, pursuant to Planning Board Resolution No. 2023-101, the Township of Middletown (the "Township") Planning Board granted Minor Subdivision Approval to TMA Kalian, LLC with the condition that it provide the Township with a Conservation Easement; 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 form of Deed of Conservation Easement covering a .895-acre portion of Block 698, Lot 12.01, and the accompanying property description prepared by Insite Surveying dated May 31, 2023, and recommend acceptance of the same.

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 Conservation Easement attached hereto as **Exhibit A** subject to the final review and approval of the Township Attorney and Township Engineer.
3. 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.
4. 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parts of ordinances and resolutions, which are inconsistent with provisions of this ordinance shall be, and are hereby, repealed to the extent of any such inconsistency.

5. This Ordinance shall take effect upon passage and publication in accordance with law.