

ORDINANCE NO. 2024 -2024-3432

**TOWNSHIP OF MIDDLETOWN
COUNTY OF MONMOUTH**

ORDINANCE AUTHORIZING THE GRANTING OF A DEED OF DEDICATION AND PERPETUAL MITIGATION AREA EASEMENT ON PORTIONS OF TOWNSHIP-OWNED PROPERTY DESCRIBED AS BLOCK 121, LOT 1 AND BLOCK 276, LOT 48 PURSUANT TO THE RARITAN BAY AND SANDY HOOK BAY, HURRICANE AND STORM DAMAGE REDUCTION PROJECT, PORT MONMOUTH, NEW JERSEY, PHASE II (CONTRACT 1)

WHEREAS, the Township of Middletown ("**Middletown**") recognizes that coastal storm damage and tide-induced flooding in Port Monmouth is a significant concern that threatens safety, life and property of the citizens of Middletown and the State of New Jersey; and

WHEREAS, Middletown and the State of New Jersey ("**State**") desire to participate with each other and the United States Army Corps of Engineers to construct the Raritan Bay and Sandy Hook Bay, Hurricane and Storm Damage Reduction Project, Port Monmouth, New Jersey, Phase II, as defined in the January 31, 2014 Project Partnership Agreement, executed between the New Jersey Department of Environmental Protection and the United States Army Corps of Engineers (the "**Project**"); and

WHEREAS, in order to accomplish Phase II (Contract 1) of the Project, the State requires a deed of easement upon portions of certain real property owned by Middletown; and

WHEREAS, pursuant to same, Middletown seeks to convey a Deed of Dedication and Perpetual Mitigation Area Easement encumbering the following properties:

Block	Lot
121	1
276	48

; and

WHEREAS, the foregoing conveyance shall be completed by way of execution of a Deed of Dedication and Perpetual Mitigation Area Easement, attached hereto as **Exhibit A**, which is in substantially final form, subject to the final review and approval of the Township Attorney; and

WHEREAS, N.J.S.A. 40A:12-13(b)(1) authorizes Middletown to convey an easement upon its real property to any department or political subdivision of the State of New Jersey pursuant to duly adopted ordinance.

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 preamble are hereby incorporated as if fully restated.
2. The Mayor and Township Clerk are hereby authorized to execute the Deed of Dedication and Perpetual Mitigation Area Easement attached hereto as **Exhibit A**, subject to the final review and approval of the Township Attorney.
3. The Mayor, Township Clerk, Township Attorney, and Township Administrator 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.
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.

EXHIBIT A