

Ord.#20-2009

An Ordinance of the Township of Mount Olive, County of Morris, and State of New Jersey Authorizing the Negotiation, Execution and Recording of a Conservation Easement to the New Jersey Department of Environmental Protection for a Portion of Block 6800, Lot 13 and as Further Described Herein and Pursuant to the Terms and Conditions of this Ordinance.

CLERK:

Delivered to Mayor:


Date: 9/2/09

Time: 1:30 pm

Signed: 
Township Clerk

MAYOR:

Action by Mayor:

Approved:  _____

Date: _____

Vetoed: _____

Date: _____

(Reasons for which Mayor has withheld approval of ordinance, item or part
Thereof.)

Signed: 
Mayor

CLERK:

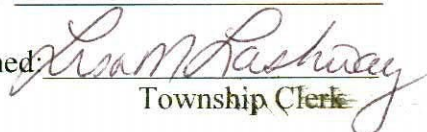
Returned:

Date: 9/9/09

Time: 9am

Not returned within the (10) days:

Date: _____

Signed: 
Township Clerk

ORDINANCE #20-09

AN ORDINANCE OF THE TOWNSHIP OF MOUNT OLIVE, COUNTY OF MORRIS, AND STATE OF NEW JERSEY AUTHORIZING THE NEGOTIATION, EXECUTION AND RECORDING OF A CONSERVATION EASEMENT TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR A PORTION OF BLOCK 6800, LOT 13 AND AS FURTHER DESCRIBED HEREIN AND PURSUANT TO THE TERMS AND CONDITIONS OF THIS ORDINANCE

WHEREAS, NY SMSA Limited Partnership, d/b/a Verizon Wireless ("Verizon"), in accordance with the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., was awarded a contract to lease space on Township property designated as Block 6800, Lot 13, for a Wireless Communication facility consisting of a monopole for wireless antennae and a ground facility; and

WHEREAS, as part of the pre-construction process, Verizon was required to obtain a Highlands Preservation Area Approval Permit (HPAA) from the New Jersey Department of Environmental Protection; and

WHEREAS, as part of the HPAA permitting process, the granting of said permit is conditioned upon the recording of a Conservation Easement by the Township for the portions of the aforementioned property that are not encumbered by easements or proposed for development; and

WHEREAS, Verizon has requested that, in order to continue with the construction and lease of the Wireless Communication facility, that the Township consider negotiating, executing and recording the required Conservation Easement with the New Jersey Department of Environmental Protection; and

WHEREAS, Verizon's counsel is in the process of preparing the Conservation Easement with the proper metes and bounds descriptions to accurately reflect the areas designated under the Conservation Easement; and

WHEREAS, the Township Council of the Township of Mount Olive is desirous of negotiating, executing and recording said Conservation Easement for the benefit of the Township of Mount Olive and the public in general.

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the Township of Mount Olive, in the County of Morris, and State of New Jersey, as follows:

1. The Township of Mount Olive hereby authorizes the Township Administration in conjunction with the Township Attorney to negotiate, execute and record a Conservation Easement under the general prescribed terms and conditions with the New Jersey Department of Environmental Protection so that the proper HPAA permit may be granted and the Wireless Communication facility may be constructed.

2. If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.
3. All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.
4. This Ordinance shall take effect after publication and passage according to law.

ATTEST: 9-1-2009

**TOWNSHIP OF MOUNT OLIVE
COUNTY OF MORRIS
STATE OF NEW JERSEY**



Michelle Masser,
Deputy Clerk

By: 
Steve Rattner, Council President

Introduced: 8-18-09

Adopted: 9-1-09