

ORDINANCE #2111-24

AN ORDINANCE AUTHORIZING THE MAYOR TO APPROVE AND SIGN FOR THE RELEASE OF CONSERVATION EASEMENTS EXECUTED TO THE BENEFIT OF THE BOROUGH OF MIDDLESEX AS PART OF THE GREEN BROOK FLOOD RISK MANAGEMENT PROJECT WITH THE UNITED STATES DEPARTMENT OF THE ARMY CORPS OF ENGINEERS

WHEREAS, the Borough of Middlesex ("Borough") has engaged with the United States Department of the Army Corps of Engineers ("USACE") for planned construction activities associated with the Green Brook Flood Risk Management Project; and

WHEREAS, the Borough of Middlesex is currently the easement holder (as the beneficiary/grantee of conservation easements) on parcels identified as follows: a) Block 58, Lot 1.02 (easement granted to Borough as part of minor subdivision of Lot 1 into Lots 1.01 and 1.02), parcel better known as 130 Nelson Street near the corner of Nelson Street and Dayton Avenue; and b) Block 56, Lot 18.01 (easement granted to Borough as part of minor subdivision of Lot 18 into Lots 18.01 and 18.02), parcel better known as 7-9 East Wilson Street; and

WHEREAS, these conservation easements to the benefit of the Borough were drafted and recorded as part of the approval process for minor subdivisions affecting the above listed lots; and

WHEREAS, the Borough has now been approached by the USACE requesting a release of these conservation easements to assist with the construction activities associated with the Green Brook Flood Risk Management Project; and

WHEREAS, the release of these easements will result in the construction of infrastructure designed for the protection of local residents from recurring flooding; and

WHEREAS, the legal descriptions, maps, deeds, and other materials evidencing the existence of these easements is attached hereto as Exhibit A for the easement on Block 58, Lot 1.02, and Exhibit B for the easement on Block 56, Lot 18.01; and

WHEREAS, the Borough intends to have a public hearing on this ordinance for release of the easements as specified in N.J.S.A. 13:8B-5, upon public notice as consistent therewith; and

WHEREAS, the Borough has simultaneously made application to the NJDEP for a certificate approving the release of these Borough-held conservation easements consistent with N.J.S.A. 13:8B-6; and

WHEREAS, the Mayor must sign off on the release of these restrictions;

NOW, THEREFORE, BE IT ORDAINED, by the governing body of the Borough of Middlesex, County of Middlesex, and State of New Jersey, that the Borough consents to the release of the conservation easements as specified herein to facilitate improvements necessitated by the Green Brook Flood Risk Management Project and approves the execution of any additional documents as may be deemed necessary therefor.

ATTEST:

Linda Chismar, Municipal Clerk

Jack Mikolajczyk, Mayor

INTRODUCED: February 13, 2024

DATE OF PUBLICATION:
OF INTRODUCTION February 16, 2024

ADOPTED: March 12, 2024

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OF ADOPTION: March 15, 2024