

**Ordinance #2023-22**

**AN ORDINANCE BY THE MAYOR  
AND COUNCIL OF PRINCETON  
ESTABLISHING THE PROPERTY  
MANAGEMENT POLICY FOR BLOCK  
102, LOT 6.02 LOCATED IN  
PRINCETON, MERCER COUNTY,  
NEW JERSEY**

**WHEREAS**, New Jersey Conservation Foundation, (hereinafter referred to as "NJCF"), Ridgeview Conservancy (hereinafter referred to as "RC"); The Watershed Institute, (hereinafter referred to as "TWI"); The Friends of Princeton Open Space (herein referred to as "FOPOS"); and the Municipality of Princeton (herein referred to as "Princeton") (the above mentioned being referred to collectively hereafter as "the Partners") previously entered into a Partnership Agreement addressing each Partner's role in connection with the acquisition and preservation of certain property identified as Block 102, Lot 6.02; and

**WHEREAS**, the Partners completed the acquisition of the Property on December 20, 2021; and

**WHEREAS**, some of the funding provided by the Partners for the acquisition of the Property was provided by private donors with the express understanding that the Property would be permanently preserved, utilized for passive recreation activities and would remain undeveloped; and

**WHEREAS**, Princeton wishes to adopt this Ordinance for the express purpose of memorializing and guaranteeing the maintenance of the conservation and open space preservation values for which the Property was acquired, and to satisfy the conditions and understanding of private donors and the Partners by imposing the use restrictions and limitations called for below.

**NOW, THEREFORE, BE IT ORDAINED**, by the Princeton Council as follows:

**1.** Notwithstanding anything to the contrary in the Original Deed or in the Corrective Deed for the Property, the Property is intended to be preserved for Passive Recreation and Natural Resource Conservation only and to protect the mature forest on the Property in an unmolested natural state, and that the \$3 million in private funding provided for the original acquisition of the Property was donated and transferred to the Municipality of Princeton on condition that the use of the Property would be restricted to such uses. Therefore, Princeton imposes the following restrictions on the Property, which are intended to run with the land in perpetuity:

- a. Use of the Property shall be limited to Passive Recreation and Natural Resource Conservation (the "**Permitted Uses**").

- b. "Passive Recreation" shall be defined as outdoor recreational activities, such as hiking, biking, or nature observation, that require a minimum of facilities or development and have a minimal environmental impact on natural resources.
- c. "Natural Resource Conservation" shall be defined as activities approved by Princeton related to the preservation and health of the ecosystem within the Property and the removal of invasive species.
- d. Except as set forth herein, there shall be no cutting or removal of trees or undergrowth within or from the Property: (a) trees and undergrowth may be cut and removed as necessary for trail construction; (b) trees and undergrowth may be cut and removed if they are dead, diseased, or in a condition that presents a danger to users of the Property; (c) trees and undergrowth may be cut and removed as may be reasonably necessary to permit the installation of permitted parking area(s) but only after the agreement of all owners of the Property to the size and location of the parking area(s); (d) invasive species of trees and undergrowth may be removed; (e) cutting of non-invasive trees and undergrowth may be done for natural resource management but only after the agreement of at least three owners of the Property; and (d) such other cutting and removal of trees and undergrowth may occur as may be agreed to by all owners of the Property.
- e. Tree clearing for, grading for and the construction, installation or use of sports playing fields are not included in the definitions of Passive Recreation or Natural Resource Conservation and are specifically prohibited by the terms of this Ordinance.
- f. Without limiting other forms of Permitted Uses described herein, the following uses shall be deemed appropriate and permitted within the definition of Permitted Uses:
  - i. Installation (in accordance with Section 4(c)) and maintenance of pervious-surfaced parking areas in appropriate locations and of reasonable size to support access related to Permitted Uses.
  - ii. Parking of motorized vehicles and bicycles within the designated parking areas by persons intending to enter the Property to engage in Permitted Uses.
  - iii. Hunting for the purpose of population management and ecosystem health.
  - iv. Construction or installation of trails, benches, and shelters approved and agreed to by all of the owners of the Property.
  - v. Use of motorized vehicles on the Property as may be reasonably necessary to undertake any authorized trail, bench and shelter construction and for authorized cutting and removal of trees, undergrowth, and invasive species and for entry onto the Property for safety and emergency operations.
  - vi. The use of motorized wheelchairs and scooters as may be required to permit access to the Property by disabled individuals.

g. The consents and agreements of all owners of the Property required hereunder may be memorialized by a mutual exchange of emails consenting to the activity among authorized representatives of all owners of the Property. Individuals or entities entering the Property and acting pursuant to such an email memorialization of consent or agreement shall be deemed not to be in violation of the terms of the restrictions imposed hereby.

2. All ordinances and resolutions or parts thereof inconsistent with this ordinance are repealed with respect to the Property to the extent of such inconsistency.

3. If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconditional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

4. This ordinance shall take effect upon its passage and publication.

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Delores A. Williams, RMC, CMC, Clerk

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Hon. Mark Freda, Mayor

Ordinance Introduced: June 26, 2023

Ordinance Adopted: July 10, 2023

**NEWSPAPER PUBLICATIONS:**

First Insertion: June 30, 2023

Final Insertion: July 14, 2023