

ORDINANCE

O-4-2023

BOROUGH OF NORTH CALDWELL, ESSEX COUNTY, NEW JERSEY

AN ORDINANCE AUTHORIZING THE EXECUTION AND RECORDING OF AN EASEMENT TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE PROPERTY KNOWN AS WALKER'S POND

WHEREAS, the Borough of North Caldwell (the "Borough") has obtained a Flood Hazard Area Permit from the New Jersey Department of Environmental Protection, which, pursuant to N.J.A.C. 7:13-14, is conditioned upon the recording of a Conservation Restriction for riparian zone mitigation; and

WHEREAS, the New Jersey Department of Environmental Protection may acquire conservation restrictions/easements in the name of the State of New Jersey for the purposes as defined at N.J.S.A. 40A:12-5 et seq. and/or by any other provision of applicable law; and

WHEREAS, on or about July 20, 2021, the Borough submitted a copy of the Conservation Restriction with its Flood Hazard Permit for the property known as Walker's Pond to the New Jersey Department of Environmental Protection; and

WHEREAS, the New Jersey Department of Environmental Protection has requested that the Borough provide a recorded Conservation Restriction for the property known as Walker's Pond (the "Easement"); and

WHEREAS, the Borough, having the authority to do so, intends to enter into an Easement to the New Jersey Department of Environmental Protection for the property known as Walker's Pond, to restrict subsequent development and disturbance of the Restricted Area; and

WHEREAS, the Borough wishes to authorize the execution and recording of the Easement; and.

NOW THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of North Caldwell, County of Essex, State of New Jersey as follows:

1. The Borough of North Caldwell authorizes the Mayor to execute an Easement to the New Jersey Department of Environmental Protection for riparian zone mitigation for the Property known as Walker's Pond to restrict subsequent development and disturbance of the Restricted Area and thereafter record same with the Essex County Clerk.
2. The submission of the Easement to the New Jersey Department of Environmental Protection for riparian zone mitigation for the property known as Walker's Pond is ratified from July 20, 2021 until the date of adoption of this Ordinance.
3. The Borough of North Caldwell hereby ratifies and affirms the Easement for the property known as Walker's Pond in accordance with the Applicable Statutes and administrative regulations as if each and every one of said documents were re-executed contemporaneously herewith.
4. All appropriate Borough of North Caldwell officials, it's Borough Engineer and Borough Attorney are authorized and directed to perform all required acts to affect the purpose of this Ordinance.


5. A copy of the recorded Conservation Restriction for riparian zone mitigation for the property known as Walker's Pond shall be kept on file with the Borough Clerk.
6. That if any part of this Ordinance shall be deemed invalid by an administrative agency or court of competent jurisdiction, such decision shall not affect the legality and enforceability of any other provision hereof.
7. This Ordinance shall take effect immediately upon final passage according to law.

Introduced: February 28, 2023
 Public Hearing: March 28, 2023
 Adopted: March 28, 2023

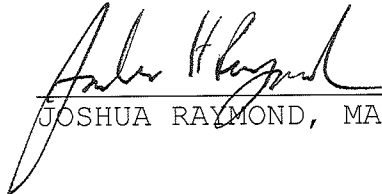
Moved By: Councilman Atlas
 Seconded By: Councilman Kessler

COUNCIL MEMBER	YES	NO	ABSTAIN	ABSENT	COUNCIL MEMBER	YES	NO	ABSTAIN	ABSENT
ATLAS	X				REES	X			
FLORIA-CALLORI	X				TILTON	X			
KESSLER	X				WEINSTEIN				X

ATTESTED:


 TAMI MICHELOTTI, BOROUGH CLERK

APPROVED:


 JOSHUA RAYMOND, MAYOR