

**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. .

