

**TOWNSHIP OF CRANBURY
ORDINANCE NO. 12-08-21**

AN ORDINANCE OF THE TOWNSHIP OF CRANBURY, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY, REPEALING ORDINANCE NO. 08-08-19; AUTHORIZING THE CONVEYANCE OF A PORTION OF THE WEST PROPERTY (BLOCK 23, LOT 70.02) TO THE CRANBURY TOWNSHIP BOARD OF EDUCATION; AND LIMITING USE OF THE REMAINDER OF THE PROPERTY TO ACTIVE AND PASSIVE RECREATION AND CONSERVATION PURPOSES ONLY

WHEREAS, the Township of Cranbury ("Township") owns a 58.62± acre parcel located on North Main Street, designated as Lot 70.02 in Block 23 on the Cranbury Township Tax Map (the "Property"), commonly known as the West Property; and

WHEREAS, as set forth in Ordinance No. 11-04-28, adopted November 24, 2004, a 34.65± acre portion of the Property, located adjacent to the Cranbury Brook, was designated as the "Cranbury Preserve" (the "Preserve") and was limited to passive recreation and conservation uses only; and

WHEREAS, as set forth in Ordinance No. 11-04-28, the remaining 23.97± acres located adjacent to Town Hall and the Cranbury School were kept out of the Preserve and were held by the Township for general municipal purposes, including, but not limited to, potential future school expansion; and

WHEREAS, the Cranbury Township Environmental Commission subsequently recommended that the remaining 23.97± acre portion of the Property be added to the Preserve; and

WHEREAS, by Ordinance No. 08-08-19, adopted September 8, 2008, the Cranbury Township Committee restricted the remaining 23.97± acre portion of the Property to active and passive recreation and conservation purposes in accordance with the regulations promulgated by the New Jersey Department of Environmental Protection, Green Acres Program, N.J.A.C. 7:36-1.1 *et seq.*; and

WHEREAS, the above-referenced restrictions on the use of the Property were set forth in Ordinance Nos. 11-04-28 and 08-08-19, but were not recorded by Deed of Record; and

WHEREAS, since the adoption of Ordinance No. 08-08-19, the Township and the Cranbury Township Board of Education ("Board") have engaged in discussions concerning the potential future expansion of the School and the Board's need of addition property to facilitate such expansion; and

WHEREAS, N.J.S.A. 40A:12-19 permits a municipality, upon a determination that all or any part of a tract of land is no longer needed for public purposes, to authorize

and cause to be conveyed such lands or any portion thereof, to a board of education in the municipality, to be used for educational purposes; and

WHEREAS, N.J.S.A. 40A:12-19 also provides that the prior dedication or use for park purposes of such land or any part thereof shall not be deemed to preclude a transfer and conveyance to a board of education; and

WHEREAS, the Township and Board agree that the Board has a need for approximately 2.048± acres of land located along the northern boundary of the Property adjacent to Town Hall and the School, to enable the Board to expand the School in the future; and

WHEREAS, the Township finds that (1) this 2.048± acre portion of the Property is not needed by the Township; (2) the conveyance of this portion of the Property to the Board will facilitate the potential future expansion of the School; (3) the conveyance is consistent with the Township's original purchase of the Property; (4) the conveyance will not negatively affect the preservation and conservation of the remainder of the property; and (5) the conveyance is otherwise in furtherance of the public good; and

WHEREAS, the Board has agreed to convey to the Township a ten-foot wide permanent utility easement, and a ten-foot wide temporary construction easement, along the northern boundary of the School property (Block 23, Lot 63.01) for the installation and operation of an irrigation system between the rear of the Property and the new Babe Ruth baseball field located on the lot adjacent to the School's northern property boundary (Block 23, Lot 14.03); and

WHEREAS, the conveyance the above-referenced 2.048± acre portion of the Property to the Board will reduce the total size of the Property from 58.62± acres to 56.58± acres, with 34.65± acres (the Preserve) restricted to passive recreation and conservation uses only, as set forth in Ordinance No. 11-04-28; and

WHEREAS, the Township finds that it is in the public interest to ensure that the remaining 21.93± acres of the Property remain available for both active and passive recreation and conservation purposes, but nothing else;

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Cranbury, Middlesex County, New Jersey, as follows:

1. The preamble to this Ordinance is hereby incorporated as if more fully set forth herein.
2. Ordinance No. 08-08-19, adopted September 8, 2008, is hereby repealed in its entirety, in order to facilitate and permit the conveyance of a portion of the Property as described herein, to the Cranbury Township Board of Education ("Board").

3. The Mayor, Administrator, Clerk, Engineer, Attorney, and other appropriate officers, employees and professionals, are hereby authorized and directed to prepare and execute any and all documents and undertake any and all acts necessary to accomplish the purposes hereof.

4. The Township finds that a certain 2.048± acre portion of the West Property (Block 23, Lot 70.02) is no longer needed for public municipal purposes or park purposes and may be conveyed to the Cranbury Township Board of Education, for nominal consideration, for educational purposes. The area to be conveyed to the Board is located along the Property's northern boundary abutting the School, and is more particularly described in the document entitled "Description for Deed, Portion of Block 23, Lot 70.02 To Be Merged with Lot 63.011, Township of Cranbury, Middlesex County, New Jersey", prepared by Hatch Mott MacDonald (James K. Walz, PLS, NJ License No. 24GS03402400), dated November 11, 2008, attached hereto as Exhibit "A" and made a part hereof, and is more specifically shown on the plan entitled "Township and B.O.E. Parcels, Map to Accompany Deed Filing, Block 23, Lots 63.011 and 70.02, Township of Cranbury, Middlesex County, New Jersey", prepared by Hatch Mott MacDonald, dated November 11, 2008, attached hereto as Exhibit "B" and made a part hereof.

5. The conveyance of the 2.048± acre portion of the Property to the Board as set forth in Paragraph 4 herein, shall be expressly contingent upon the Board's conveyance to the Township of a ten-foot wide permanent utility easement and a ten-foot wide temporary construction easement across the northern boundary of the School property (Block 23, Lot 63.01), as more particularly described in the documents entitled "Description for Deed, 10' Wide Permanent Easement, Block 23, Lot 63.011, Township of Cranbury, Middlesex County, New Jersey" and "Description for Deed, 10' Wide Temporary Easement, Block 23, Lot 63.011, Township of Cranbury, Middlesex County, New Jersey", prepared by Hatch Mott MacDonald (James K. Walz, PLS, NJ License No. 24GS03402400), dated November 11, 2008, attached hereto as Exhibits "C" and "D" respectively and made a part hereof, and also as more specifically shown on the plan attached hereto as Exhibit "B".

6. The remaining 21.93± acre portion of the Property located adjacent to Town Hall and the School, which was previously held by the Township for general municipal purposes, and was limited to active and passive recreational and conservation purposes by Ordinance 08-08-19, adopted September 8, 2008, said Ordinance repealed by Paragraph 2 herein, shall henceforth be re-restricted and used only for active and passive recreation and conservation purposes in accordance with the regulations promulgated by the New Jersey Department of Environmental Protection, Green Acres Program, N.J.A.C. 7:36-1.1 *et seq.*

7. The Township shall restrict and encumber by recorded Deed the following restrictions:

- a. On the 34.65± acre portion of the Property, located adjacent to the Cranbury Brook and designated as the Preserve, the restrictions set forth in

Ordinance No. 11-04-28, adopted November 24, 2004, limiting use of such property for passive recreation and conservation purposes only; and

- b. On the remaining 21.93± acre portion of the Property, located adjacent to Town Hall and the School, the restrictions set forth in section 6 herein, limiting use of such property for active and passive recreation and conservation purposes only.

8. This Ordinance shall take effect upon its passage and publication, as required by law.

The Ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Committee of the Township of Cranbury, in the County of Middlesex, State of New Jersey, held on December 8, 2008. It will be further considered for final passage, after public hearing thereon, at a meeting of the Township Committee to be held in the Township of Cranbury on December 22, 2008 at 7:30 p.m., and during the week prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's Office to the members of the general public who shall request the same.

Kathleen R. Cunningham, Clerk

EXHIBIT A



Hatch Mott
MacDonald

DESCRIPTION FOR DEED

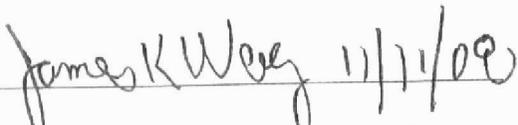
PORTION OF BLOCK 23, LOT 70.02 TO BE MERGED WITH LOT 63.011
TOWNSHIP OF CRANBURY, MIDDLESEX COUNTY, NEW JERSEY

1. BEGINNING at the intersection of the common line to Lot 63.011 and Lot 70.02 , South 20 degrees 28 minutes 36 seconds West 450.00 feet from the intersection of the Southerly line of Lot 13; thence
2. South 70 degrees 17 minutes 24 seconds East 1259.73 feet along the common line to Lot 63.011 and Lot 70.02; thence
3. South 73 degrees 14 minutes 40 seconds East 32.59 feet along the aforesaid line to the new common line to Lot 63.011 and Lot 70.02; thence
4. South 15 degrees 51 minutes 52 seconds West 61.81 feet along the aforesaid line; thence
5. North 70 degrees 17 minutes 26 seconds West 304.85 feet along the aforesaid line; thence
6. North 71 degrees 37 minutes 35 seconds West 992.96 feet along the aforesaid line to the common line to Lot 63.011 and Lot 70.02 ; thence
7. North 20 degrees 28 minutes 36 seconds West 83.16 feet along the aforesaid line to the Point of Beginning.

Containing within the above described bounds 89,195 plus or minus square feet, 2.048 plus or minus acre(s).

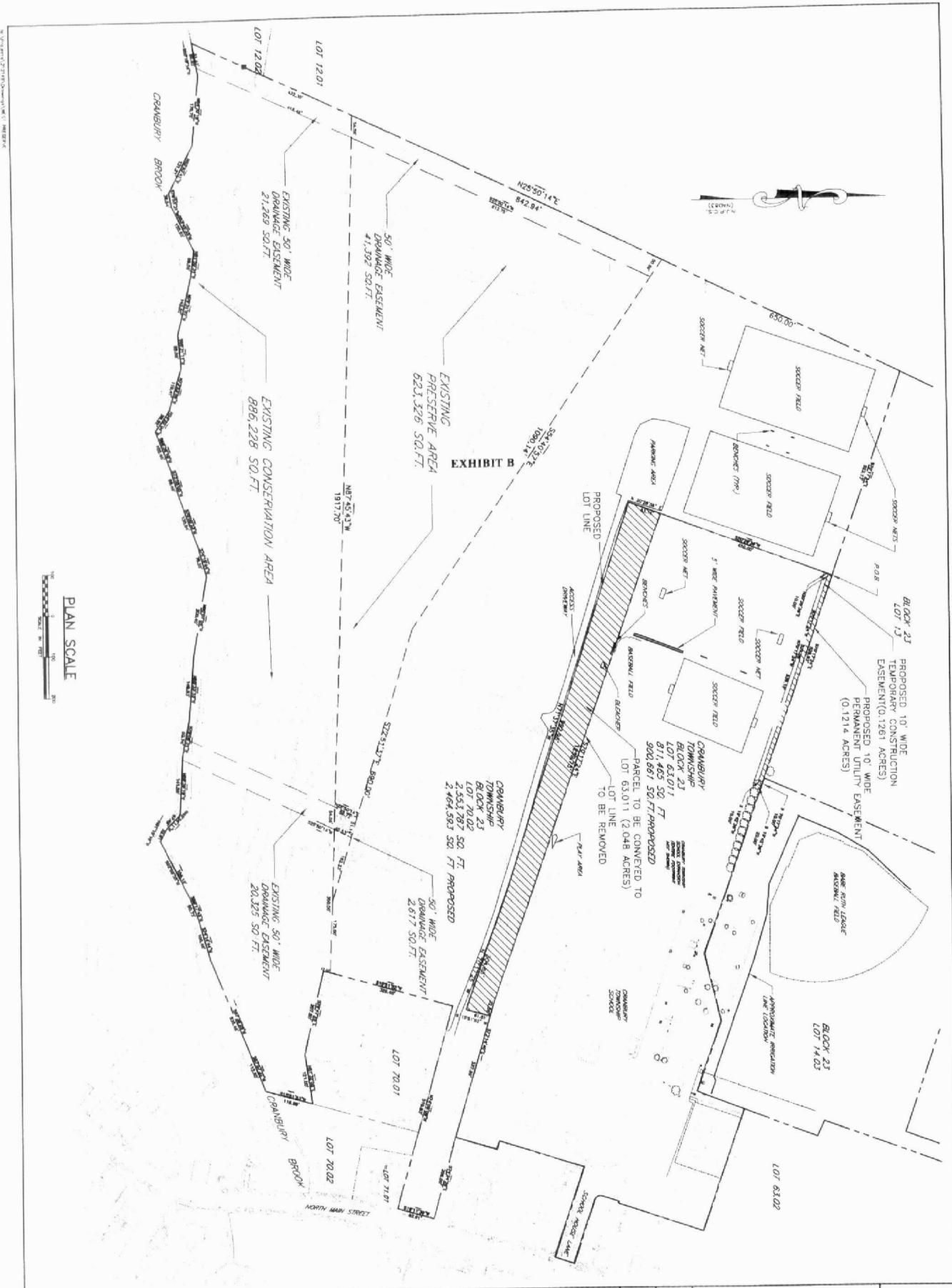
All of the above more particularly shown on a Plan" TOWNSHIP AND B.O.E. PARCELS, MAP TO ACCOMPANY DEED FILING, BLOCK 23 LOTS 63.011 AND 70.02 TOWNSHIP OF CRANBURY MIDDLESEX COUNTY NEW JERSEY", By Hatch Mott MacDonald, Dated November 11, 2008.

Prepared by: Hatch Mott MacDonald
November 11, 2008

James K. Walz 11/11/08

James K. Walz, PLS Date
NJ License No. 24GS03402400

EXHIBIT B



PLAN SCALE
 1" = 100'

TOWNSHIP AND B.O.E. PARCELS
 MAP TO ACCOMPANY DEED FILING
 BLOCK 23, LOTS 63.011 AND 70.02
 TOWNSHIP OF CRANBURY
 MIDDLESEX COUNTY, NEW JERSEY

Hatch Mott MacDonald
 Certificate No. 24GA28075000
 833 Route 9 North
 Cape May Court House, NJ 08210

JAMES K. WALZ
 Professional Land Surveyor—N.J. Lic. No. 246505402400
 Date _____
 Designed _____
 Drawn JKW
 Checked _____
 Approved JKW
 Date 11-11-08
 Scale 1" = 100'

Extension	
Field Book	-----
Page	-----
Date	-----
Revision	-----

12/14/08

EXHIBIT D



Hatch Mott
MacDonald

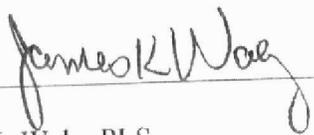
DESCRIPTION FOR DEED
10' WIDE TEMPORARY CONSTRUCTION EASEMENT
BLOCK 23, LOT 63.011
TOWNSHIP OF CRANBURY, MIDDLESEX COUNTY, NEW JERSEY

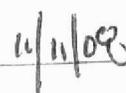
1. BEGINNING in the common line to Lot 63.011 and Lot 70.02, South 20 degrees 28 minutes 36 seconds West 10.00 feet from the intersection of the Southerly line of Lot 13; thence
2. South 70 degrees 17 minutes 24 seconds East 529.06 feet; thence
3. North 19 degrees 42 minutes 36 seconds East 10.00 feet to the common line to Lot 63.011 and Lot 14.03; thence
4. South 70 degrees 17 minutes 24 seconds East 10.00 feet along the aforesaid line; thence
5. South 19 degrees 42 minutes 36 seconds West 10.00 feet; thence
6. North 70 degrees 17 minutes 24 seconds West 539.19 feet to the common line to Lot 63.011 and Lot 70.02 ; thence
7. North 20 degrees 28 minutes 36 seconds West 10.00 feet along the aforesaid line to the Point of Beginning.

Containing within the above described bounds 5,491 plus or minus square feet, 0.1261 plus or minus acre(s).

All of the above more particularly shown on a Plan" TOWNSHIP AND B.O.E. PARCELS, MAP TO ACCOMPANY DEED FILING, BLOCK 23 LOTS 63.011 AND 70.02 TOWNSHIP OF CRANBURY MIDDLESEX COUNTY NEW JERSEY", By Hatch Mott MacDonald, Dated November 11, 2008.

Prepared by: Hatch Mott MacDonald
November 11, 2008


James K. Walz, PLS
NJ License No. 24GS03402400


Date