

DECLARATION OF CONSERVATION RESTRICTION

(Shellfish Habitat)

Revised 8/20/18

THIS GRANT OF CONSERVATION RESTRICTION/EASEMENT is made this _____ day of _____ 20____, by _____, its heirs, successors and assigns and all legal and equitable owners, and any and all current or successor holders of any interest in and to the property whose address is _____, Borough/Township, County of _____, State of New Jersey, hereinafter referred to as the “Grantor,” in favor of and to the New Jersey Department of Environmental Protection, its successors and assigns, hereinafter referred to as the “Grantee”.

WITNESSETH

WHEREAS, the Grantor is the owner in fee simple of certain real property located in the Township/Borough of _____, County of _____, New Jersey, designated as Lot(s) _____, Block(s) _____ on the official Tax Map of the Township/Borough of _____, _____ County Clerk or Recorder’s Deed Book Number _____, Page Number _____, (hereinafter “the Property”); and

WHEREAS, the Grantor has obtained a Waterfront Development Permit, NJDEP File No. _____, pursuant to the Waterfront Development Act, N.J.S.A. 12:5-3, and the Coastal Zone Management Rules, N.J.A.C. 7:7, for a land use development, attached hereto as **Exhibit A**; and

WHEREAS, the Permit issued to the Grantor is conditioned upon the Grantor’s recording of a Grantee approved Conservation Restriction/Easement, pursuant to N.J.A.C. 7:7-18, for structures located within the shellfish habitat area as shown on the approved plan(s), entitled _____, prepared by _____, dated _____, last revised date _____, attached hereto as **Exhibit B**; and

WHEREAS, the covenants, terms, conditions and restrictions of this Conservation Restriction/Easement shall be binding upon, and inure to the benefit of, the parties hereto and all parties having or acquiring any right, title or interest in any portion of the Property, including holders of subdivision deeds, and shall continue as a servitude running in perpetuity with the Property.

NOW THEREFORE, in consideration for the issuance of the Permit and for valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and the facts recited above and the terms, conditions and restrictions contained herein, the Grantor hereby agrees that the Property shall be subject in perpetuity to the following conveyances, covenants and restrictions in favor of the Grantee:

1) If the structures authorized by **Exhibit A** and shown in **Exhibit B** are associated with an unbulkheaded shoreline, the construction of a shoreline protection structure other than stone rip-rap or other similar sloped revetment is prohibited; or

2) If the structures authorized by **Exhibit A** and shown in **Exhibit B** are associated with a previously bulkheaded shoreline, the replacement, reconstruction, or rehabilitation of the bulkhead with anything other than a non-polluting material is prohibited.

IN WITNESS WHEREOF, the Grantor has set its hand and seal on the day and year first above written, and directs that this instrument be recorded in the office of the _____ County Clerk.

_____ (Grantor)

By: _____ (Signature names and title)

ATTEST:

, Secretary

(Seal)

STATE OF _____
COUNTY OF _____

Be it remembered that on this ____ day of _____, 20__, before me, the subscriber, a Notary Public of New Jersey, personally appeared: _____, and he thereupon acknowledged that he signed the foregoing instrument (*in such capacity, that the seal affixed to said instrument is the corporate seal of said corporation*), and that said instrument is the voluntary act of deed of said person (*or corporation, made by virtue of authority from its Board of Directors*).

A Notary Public of _____

My Commission Expires: _____

Attachments required: NJDEP Approved Permit, **Exhibit A**
NJDEP Approved Plan(s), **Exhibit B**