

DECLARATION OF CONSERVATION RESTRICTION
(Shore Protection Structure Reconstruction within 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's development, located at the above referenced site, qualifies for a Permit-by-rule 2 pursuant to N.J.A.C. 7:7-4.2 for development of a single-family home or duplex and/or accessory development on a bulkhead lagoon lot **or** the Grantor has obtained a General Permit 4 for development of one or two single-family homes or duplexes **or** General Permit 5 for expansion, or reconstruction (with or without expansion), of a single-family home or duplex, a CAFRA Individual Permit **or** a Waterfront Development Individual Permit, NJDEP File No. _____, (Permit) 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 is conditioned upon the Grantor's recording of a Grantee approved Conservation Restriction/Easement, pursuant to N.J.A.C. 7:7-18, for future reconstruction of the bulkhead 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) Pursuant to Permit-by-Rule 2 at N.J.A.C. 7:7-4.2(a)5, General Permit 4 at N.J.A.C. 7:7-6.4(n)3, General Permit 5 at N.J.A.C. 7:7-6.5(l)3, Housing Use at N.J.A.C. 7:7-15.2(e)13, and Commercial Facility at N.J.A.C. 7:7-15.10(c)3 (as applicable), and as provided in the required engineering certification, the shore protection structure can be replaced within 18 inches of the existing or proposed shore protection structure shown in **Exhibit B** provided such reconstruction is consistent with all regulations. **This conservation restriction does not preclude the Grantor from obtaining the appropriate permit(s) prior to reconstruction the shore protection structure.**

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**