

ORDINANCE NO. 2020-07

ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH,  
STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION OF  
A PERMANENT PARKING EASEMENT AFFECTING  
BLOCK 9.01, LOTS 6.01 & 7 FROM THE OWNER THEREOF  
FOR THE PURPOSE OF CREATING THREE PUBLIC PARKING SPACES  
ON ICE BOAT LANE

**WHEREAS**, the Borough of Red Bank, 90 Monmouth Street, Red Bank, New Jersey (hereinafter, the "Borough"), is a municipal corporation of the State of New Jersey and is authorized, pursuant to N.J.S.A. 40A:12-5, to acquire easement interests in real property for public business and use by Ordinance; and

**WHEREAS**, Denholtz Boat Club Court, LLC (hereinafter, the "Owner"), is the titled owner of real property identified as Block 9.01, Lots 6.01 & 7 on the Borough's Tax Map (hereinafter, the "Properties"), upon which lands, the Owner has obtained approval from the Borough's Zoning Board of Adjustment for certain development and improvements; and

**WHEREAS**, under the Owners' approvals received from the Zoning Board of Adjustment, the Owner is required to dedicate by easement a certain area of the Properties directly adjacent to Ice Boat Lane to the Borough for the purposes of creating three (3) public parking spaces; and

**WHEREAS**, the Borough and the Owner now desire to memorialize an appropriate permanent easement formally authorizing and creating three (3) public parking spaces over, through, and upon the lands comprising the Properties;

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the Borough of Red Bank, County of Monmouth, State of New Jersey, as follows:

1. That the Governing Body does hereby approve the Deed of Parking Easement attached hereto as Exhibit A; and
2. That the Mayor is hereby authorized to execute the Easement;
3. The Owner shall be responsible for recording the Easement with the Monmouth County Clerk in satisfaction of its approval from the Borough's Zoning Board of Adjustment; and
3. That a certified copy of this Ordinance shall be forwarded to the Borough Administrator, Borough Planning and Zoning Department, Borough DPU Director, and the Owner.

**BE IT FURTHER ORDAINED** that any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance; and

**BE IT FURTHER ORDAINED** that, if any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

**BE IT FURTHER ORDAINED** that this Ordinance shall take effect immediately upon its passage and adoption according to law.

	Motion	Yes	No	Abstain	Absent
Councilman Yassin					
Councilwoman Triggiano					
Councilman Ballard					
Councilman Yngstrom					
Councilman Zipprich					
Councilwoman Horgan					

Dated: March 11, 2020  
Public Hearing/Adoption: April 22, 2020

Pending Public Hearing