

ORDINANCE NO. 2009-2

**ORDINANCE OF THE BOROUGH OF RED BANK,
COUNTY OF MONMOUTH, STATE OF NEW JERSEY
AUTHORIZING THE DEDICATION AND CONVEYANCE OF
A PERPETUAL SHORE PROTECTION EASEMENT TO
THE STATE OF NEW JERSEY
WITH REGARD TO MARINE PARK**

WHEREAS, the Borough is the owner of Marine Park, identified as Block 9, Lots 5, 5.02, and 5.04, on the official tax map of the Borough of Red Bank, Monmouth; and

WHEREAS, both the Borough and the State of New Jersey recognize that the bulkhead and shoreline at the Red Bank section of the Navesink River is subject to constant erosion and degradation, thereby destroying a valuable natural resource and threatening the safety and property of the Borough and of all of the citizens of the State; and

WHEREAS, the Borough and the State of New Jersey desire to participate with each other to construct the Red Bank Bulkhead Project, hereinafter the "Project"; and

WHEREAS, in order to secure the State's participation in the Project, which participation is necessary for its completion, the Borough must convey certain interests in Marine Park, including the dedication and conveyance of a Perpetual Shore Protection Easement that will, among other things, implement the Public Trust Doctrine and ensure permanent public access, use and enjoyment of the riverfront in perpetuity;

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Red Bank as follows:

SECTION ONE:

- a. The Borough of Red Bank shall grant to the State of New Jersey, in perpetuity, a Perpetual Shore Protection Easement over and upon Marine Park in the form annexed hereto and hereby incorporated by reference; and
- b. The Mayor and the Borough Clerk are hereby authorized to execute said Easement, along with any other documents necessary to accomplish the purposes of this Ordinance, or to otherwise accept receipt of the funds and to secure the State's participation in the project as described herein.

SECTION TWO: Any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance.

SECTION THREE: 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.

SECTION FOUR: This Ordinance shall take effect immediately upon its passage and adoption according to law.

First Reading: January 26, 2009

Final Reading: February 9, 2009