

ORDINANCE NO. 2016-07

**AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF
MONMOUTH, STATE OF NEW JERSEY, AUTHORIZING THE GRANT OF A
STORM FILTER ACCESS EASEMENT WITHIN THE RIGHT OF WAY OF
DRS. JAMES PARKER BOULEVARD AND BANK STREET**

Councilman Zipprich offered the following ordinance and moved its adoption:

WHEREAS, Home & Land Development Corp is the owner of Block 83, Lots 5, 6.01 and 6.02, and Block 82, Lot 17, and has approval from the Zoning Board of Adjustment to develop the property into thirteen attached single family units and one two-family unit and has been required by the Zoning Board of Adjustment to construct a Storm Filter System which will be maintained by the Rivers Edge Homeowners; and

WHEREAS, the Homeowners Association will require access to the Easement Area located in and under Drs. James Parker Boulevard and Bank Street for the purpose of maintaining the Storm Filters in compliance with its Resolution of approval, number Z2010-23; and

WHEREAS, governing body wishes to grant to the applicant a perpetual, non-exclusive Storm Filter Access Easement within the right of way of Drs. James Parker Boulevard and Bank Street.

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

SECTION 1. The Borough Council hereby authorizes and approves the conveyance for the purchase price of \$1.00 to Home and Land Development Corp., a perpetual non-exclusive Storm Filter Access Easement consisting of approximately 7,458.7 square feet in and along the right of way of Drs. James Parker Boulevard and Bank Street. The easement is attached hereto and incorporated herein as Schedule A.

SECTION 2. The Mayor and Borough Clerk are hereby authorized and directed to execute any and all such documents providing for the Borough's grant of an interest in the Property and to undertake any and all such acts as may be necessary to effectuate the terms hereof, subject to the Borough Attorney's approval of the form and substance of said documents.

SECTION 3. If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

SECTION 4. This ordinance shall take effect immediately upon its passage and publication as required by law.

Seconded by Councilwoman Horgan and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilwoman Burnham	(x)	()	()	()
Councilman Zipprich	(x)	()	()	()
Councilwoman Horgan	(x)	()	()	()
Councilwoman Schwabenbauer	(x)	()	()	()
Councilman Taylor	(x)	()	()	()
Councilman Whelan	(x)	()	()	()

Introduction: May 25, 2016

Public Hearing/Adoption: June 8, 2016