

ORDINANCE NO. 2016-09

**AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF
MONMOUTH, STATE OF NEW JERSEY, AUTHORIZING THE ACCEPTANCE
OF 6 TO 10 FOOT WIDE WATERFRONT PUBLIC ACCESS EASEMENT
FROM HOME & LAND DEVELOPMENT CORP.**

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 offered to the Borough of Red Bank a perpetual non-exclusive six to ten foot wide public access easement along a portion of the property; and

WHEREAS, dedication of this easement is required for the applicant's compliance with its Resolution of approval, number Z2010-23; and

WHEREAS, the acquisition of easements in real property is authorized by N.J.S.A. 40A:12-4.

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 acquisition for the purchase price of \$1.00 from Home and Land Development Corp., a perpetual non-exclusive public access easement in and along a portion of property known as Block 82 Lot 17, and Block 83 Lots 5, 6.01, and 6.02 on the Tax Map of the Borough of Red Bank extending over and across (i) the end of Drs. James Parker Boulevard, meandering northwest along the waterfront and connecting with Bank Street; and (ii) the end of Bank Street, meandering northwest approximately 230 feet, and ending at the property along the waterfront. 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 acquisition of 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 Burnham 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