

**ORDINANCE NO. 2016-10**

**AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF  
MONMOUTH, STATE OF NEW JERSEY, AUTHORIZING THE ACCEPTANCE  
OF A 25 FOOT WIDE PUBLIC ACCESS AND OPEN SPACE EASEMENT  
OVER PORTIONS OF BLOCK 83 LOTS 5, 6.01 AND 6.02, AND BLOCK 82,  
LOT 17**

Councilman Ziprich 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 twenty-five foot wide public access and open space easement along a portion of the property that abuts the Navesink River; 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 public access and open space easement consisting of approximately 12, 218 square feet more or less 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 for in order to provide and preserve public access to the Easement Area by the public and to preserve the substantial open frontage along the Navesink River. 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 Councilman Taylor and adopted on roll call by the following vote:

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

Introduction: May 25, 2016

Public Hearing/Adoption: June 8, 2016