

ORDINANCE NO. 2016 -11

AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, NEW JERSEY AUTHORIZING THE CONVEYANCE OF AN OPEN SPACE EASEMENT TO THE COUNTY OF MONMOUTH WITH REGARD TO COUNT BASIE PARK

Councilman Taylor offered the following resolution and moved its adoption on final reading:

**WHEREAS**, the Borough of Red Bank had previously applied to the County of Monmouth for a Municipal Open Space Grant, Application No. 03-24 for certain improvements to Count Basie Park; and

**WHEREAS**, the County conditioned the award of funds under the Grant Program on the Borough's grant of a perpetual Open Space Easement requiring that Count Basie Park be retained for public park, recreation and open space uses, preventing any use of the Property that would significantly impair or interfere with the park, recreation and open space values of the park and requiring that the park will be utilized exclusively for the purposes outlined in the Open Space and Farmland Preservation, Recreation, Conservation and Historical Preservation Act, N.J.S.A. 40:12-15.6(b); and

**WHEREAS**, the Borough of Red Bank had initially granted this deed of easement to the County by Ordinance 2007-23, however the County has indicated that a new Deed of Open Space Easement is necessary: and

**WHEREAS**, governing body wishes to grant to the County a new Deed of Open Space Easement for Count Basie Park.

**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 to the County of Monmouth, in perpetuity, an Open Space Easement over and upon Count Basie Park in the form annexed hereto and incorporated herein.

**SECTION 2.** The Mayor and Borough Clerk are hereby authorized and directed to execute the Deed of Open Space Easement and any and all other required 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 Schwabenbauer 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 )	( )	( )	( )

Dated: July 27, 2016

First Reading/Introduction: July 13, 2016  
Second Reading/Public Hearing: July 27, 2016  
Adoption: July 27, 2016  
I hereby certify the above to be a true copy.