

**ORDINANCE NO. 2016-18**

**AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH, STATE OF NEW JERSEY, AUTHORIZING THE GRANT OF A RECIPROCAL EASEMENT AGREEMENT WITH RIVERWALK COMMONS RED BANK, LLC**

Councilwoman Horgan offered the following ordinance and moved its adoption:

**WHEREAS**, Riverwalk Commons Red Bank, LLC is the owner of Block 29, Lot 5.01, and has approval from the Zoning Board of Adjustment for Site Plan Approval with variances to construct a four story building consisting of 24 residential units and 41 parking spaces at ground level; and

**WHEREAS**, the Zoning Board of Adjustment was concerned with access to the site and required the developer to obtain from the Township an Access Easement over the Mechanic Street Parking Lot; and

**WHEREAS**, governing body wishes to grant to the applicant a perpetual, non-exclusive Access Easement for vehicular and pedestrian ingress and egress purposes only to and from the subject property.

**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 Riverwalk Commons Red Bank, LLC., a perpetual non-exclusive Access Easement in and along Mechanic Street Parking Lot. 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 Councilman Taylor 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: September 28, 2016