

ORDINANCE NO. 2013-3

**ORDINANCE OF THE BOROUGH OF RED BANK,
COUNTY OF MONMOUTH, NEW JERSEY**

**AUTHORIZING THE ACCEPTANCE OF A DEED OF EASEMENT REGARDING PROPERTY
LOCATED AT 40 RIVERSIDE AVENUE, BLOCK 7, PART OF LOTS 12.03 AND 12.04**

Mr. DuPont offered the following ordinance on final reading and moved its adoption:

WHEREAS, the Borough of Red Bank is a duly organized Municipal Corporation of the State of New Jersey; and

WHEREAS, on or about June 3, 2010, the Red Bank Zoning Board conditionally approved the Application of the Presbyterian Homes at Red Bank, Inc. (the Atrium at Navesink Harbor) (the applicant), regarding the property located at 40 Riverside Avenue, Red Bank, New Jersey (Block 7, part of Lots 12.03 and 12.04); and

WHEREAS, in conjunction therewith, the Red Bank Zoning Board conditionally approved the Applicant's request to effectuate the following:

- Construction of interior renovations to an existing Continuing Care Retirement Community; and
- Construction of an addition to a Continuing Care Retirement Community; and

WHEREAS, The Presbyterian Homes at Red Bank, Inc., is now known as Springpoint at the Atrium, Inc.; and

WHEREAS, the Property has frontage along the Navesink River; and

WHEREAS, per the prevailing Municipal Ordinances, the Resolution of Conditional Approval (adopted by the Red Bank Zoning Board) required the Applicant to grant a 25-foot wide access easement to the Borough of Red Bank for the ultimate design, construction and maintenance of the so-called RiverWalk Promenade; and

WHEREAS, in furtherance thereof, the Applicant's representatives prepared the Deed of Easement, attached hereto; and

WHEREAS, the said Deed of Easement has been reviewed and approved as to form/content by Zoning Board Attorney;

NOW THEREFORE AND BE IT ORDAINED, by the Mayor and Council of the Borough of Red Bank as follows:

SECTION ONE:

1. That in conjunction with the previously reference Zoning Board approval, the Borough of Red Bank is hereby authorized to accept an Easement in/on/over/under/across the property identified as a portion of Block 7, part of Lots 12.03 and 12.04.
2. That the purchase price for the aforesaid Acquisition shall be \$1.00 (One Dollar and No Cents) and other good and valuable consideration.
3. That the within Acquisition shall be contingent upon the Borough's Chief Financial Officer confirming that funds are available for the stated purpose.
4. That the Mayor, Administrator, Clerk, Engineer, Attorney and any other appropriate representatives are hereby authorized to sign any and all documents necessary to effectuate the intentions of the within Ordinance.
5. That the subject/Acquisition subject to the Borough approving the Deed of Easement as to legal form.
6. That the subject Acquisition shall be subject to the Borough Engineer approving the subject Legal Description.

SECTION TWO: Any ordinances or provision thereof which are inconsistent with the provisions of the within Ordinance are hereby repealed as of the effective date of the within Ordinance.

SECTION THREE: If any provision of the within Ordinance or application of such provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of the within Ordinance which can be given effect and, to this end, the provisions of the within Ordinance are declared to be severable.

SECTION FOUR: The within Ordinance shall take effect immediately upon its passage and adoption according to law.

Seconded by Mr. Zipprich and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Ms. Lewis	(x)	()	()	()
Mr. Zipprich	(x)	()	()	()
Mr. DuPont	(x)	()	()	()
Ms. Horgan	(x)	()	()	()
Ms. Lee	(x)	()	()	()
Mr. Murphy	(x)	()	()	()

Dated: April 24, 2013