

**ORDINANCE NO. 2012-10**

**AN ORDINANCE AUTHORIZING THE ACCEPTANCE OF A WATERFRONT PUBLIC ACCESS EASEMENT AND OPEN SPACE EASEMENTS BLOCK 82, LOT 17 (PORTION THEREOF) BLOCK 83, LOTS 5, 6.01, AND 6.02 (PORTION) RED BANK, NJ**

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

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

**WHEREAS**, the RW@River's Edge, LLC (hereinafter referred to as "Applicant") previously submitted a Development Application to the Borough of Red Bank; and

**WHEREAS**, the said Application involved the following properties:

Block 82, Lot 17

Block 83, Lots 5, 6.01, and 6.02; and

**WHEREAS**, the said Application sought permission to effectuate the following:

- Demolition of 3 detached single-family dwellings and associated garages;
  - Construction of 13 attached single-family dwellings;
  - Construction of one 2 family dwellings;
  - Extension of Dr.'s James Parker Boulevard, by approximately 45 feet;
- and

**WHEREAS**, on or about August 19, 2010, the said Application was conditionally approved by the Red Bank Zoning Board; and

**WHEREAS**, a memorializing Resolution was adopted thereafter; and

**WHEREAS**, pursuant to the memorializing Resolution, the approval was conditioned upon the Applicant providing / dedicating certain Easements to the Borough of Red Bank; including, the following:

- A 25 foot wide Open Space Easement (dedicated to the Borough) along the riverfront of the entire development tract;
- A 10 foot wide stone path easement for public access, extending from the end of Dr.'s James Parker Boulevard, meandering northwest along the waterfront, and connecting with Bank Street; and
- A 10 foot wide stone path easement for public access, extending from the end of Bank Street, meandering northwest approximately 230 feet, and ending at the property along the waterfront.

**WHEREAS**, in furtherance thereof, the Applicant's representatives have prepared a Waterfront Public Access Easement and a Public Access / Open Space Easement, attached hereto; and

**WHEREAS**, the said Easements have been reviewed and approved as to form / content by the Zoning Board Attorney and Zoning Board Engineer.

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

**§ Section 1**

1. That in conjunction with the previously referenced Zoning Board Approval, the Borough of Red Bank is hereby authorized to accept Public Access / Open Space Easements in / on / over / under / across the following properties:

Block 82, Lot 17 (portion thereof)

Block 83, Lots 5, 6.01, and 6.02 (portion thereof)

2. That the consideration for the aforesaid acquisition shall be \$1.00 (One dollar) and other good and valuable consideration.
3. That the within acquisitions 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 other appropriate representatives are hereby authorized to sign any and all documents necessary to effectuate the intentions of the within Ordinance, including, but not limited to, the attached Easements.
5. That the subject acquisitions shall be subject to the Borough approving the Easement Agreements as to legal form.
6. That the subject acquisitions shall be subject to the Borough Engineer approving the subject legal descriptions.

## **§ Section 2**

Any Ordinances or Provisions thereof which are inconsistent with the Provisions of the within Ordinance are hereby repealed as of the effective date of the within Ordinance.

## **§ Section 3**

Any Provisions of the within Ordinance, or the Application of such Provisions 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 4**

If any 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: June 27, 2012