

ORDINANCE NO. 2012-11

**AN ORDINANCE AUTHORIZING THE BOROUGH OF RED BANK
TO GRANT A STORM FILTER ACCESS EASEMENT**

Mr. Zipprich 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, 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 aforesaid approval, the Applicant will be constructing and maintaining 2 storm filters within a Municipal Right-Of-Way; and

WHEREAS, as such, it will be necessary for the Applicant to access the said Right-Of-Way for purposes of constructing, maintaining, restoring, and / or repairing (as needed) the storm filters located within the said Municipal Right-Of-Way; and

WHEREAS, in order to effectuate the same, it will be necessary for the Borough of Red Bank to grant a perpetual and non-exclusive Easement to the Applicant, for such limited purposes; and

WHEREAS, the proposed Easement is attached hereto and incorporated herein at length; and

WHEREAS, the said Easement has been approved as to form and content by the Zoning Board Attorney and Zoning Board Engineer; and

WHEREAS, the granting of such an Easement will be in the best interest of the Borough of Red Bank and its residents;

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 grant a Storm Filter Access Easement in / on / over / under / across the property set forth on the attached Legal Description.
2. That the consideration for the aforesaid grant shall be \$1.00 (One dollar) and other good and valuable consideration.
3. 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 Easement.

- 4. That the subject grant shall be subject to the Borough approving the Easement Agreement as to legal form.
- 5. That the subject acquisitions shall be subject to the Borough Engineer approving the subject legal description(s).

§ 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

If 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

The within Ordinance shall take effect immediately upon its passage and adoption according to Law.

Seconded by Mr. DuPont 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