

ORDINANCE NO. 2012-19

**ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH,
NEW JERSEY AUTHORIZING THE CONVEYANCE OF TWO PERMANENT SANITARY SEWER
EASEMENTS, A PERMANENT WATER MAIN EASEMENT AND THE VACATION OF EXISTING
CONDITIONAL EASEMENTS FOR THE EXTENSION OF CEDAR AVENUE (ALSO KNOW AS CEDAR
STREET) AND RIVER STREET IN CONNECTION WITH THE CEDAR CROSSING AFFORDABLE HOUSING
DEVELOPMENT PROJECT**

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

WHEREAS, The Red Bank Affordable Housing Corporation (“RBAHC”), a non-profit corporation, received approvals from the Zoning Board of Adjustment (“ZBA”) of the Borough of Red Bank to develop certain portions of the property known as Block 75.03, Lots 50.01 & 69 and Block 75.01, Lots 83, 84 & 85, commonly known as the Cedar Crossing Affordable Condominium under ZBA Resolution No. 2009-3 (the “Cedar Crossing Project”); and

WHEREAS, in connection with the Cedar Crossing Project, RBAHC is required to convey and the Governing Body of the Borough of Red Bank wishes to accept, certain sanitary sewer and water main easements from RBAHC as described more specifically below; and

WHEREAS, in connection with the Cedar Crossing Project there is also the need to vacate the existing conditional easements for the extensions of Cedar Avenue and River Street.

NOW THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Red Bank as follows:

SECTION ONE: The Borough of Red Bank hereby accepts from RBAHC the following easements:

1. A large (11,862 square foot) Permanent Sanitary Sewer Easement in accordance with a certain plan entitled “Easement Plan, Block 75.01, Lots 83,84, 85, Block 75.03, Lots 50.01, 69”, prepared by Goldenbaum Baill Associates, Inc., dated December 28, 2009, Project #08-02, (the “Easement Plan”), and as more particularly described in the metes and bounds description entitled, “Description of Sanitary Sewer Easement, Block 75.03, Lots 50.01 & 69, Block 75.01, Lots 83, 84 and 85 Project No. 08-020, dated December 31, 2009.
2. A small (3,152 square foot) Sanitary Sewer Easement in accordance with the Easement Plan and as more particularly described in the metes and bounds description entitled, “Description of Sanitary Sewer Easement, Block 75.03, Lots 50.01, Block 75.01, Lots 83, 84 and 85 Project No. 08-020, dated December 31, 2009.
3. A Permanent Water Main utility easement comprising approximately 16,757 square feet, upon, over across and under a portion of lands known as Block 75.03, Lots 50.01 & 69 and Block 75.01, Lots 83,84 & 85 on the official tax map of the Borough of Red Bank, for the installation, operation, use, inspection, maintenance and repair of water mains and hydrants in accordance the Easement Plan, and as more particularly described in the metes and bounds description entitled, “Description of Water Main Easement”, Block 75.03, Lots 50.01 & 69, Block 75.01, Lots 83, 84 and 85 Project No. 08-020, dated December 31, 2009.

SECTION TWO: The Borough of Red Bank authorizes the release of all of its interest in a Conditional Easement for the Extension of Cedar Avenue over a portion of lands known as Block 75.03, Lot 50.01 on the official tax map of the Borough of Red Bank. The Conditional Easement that is being released, extinguished and vacated is described on a map entitled, the “Easement Plan, Block 75.01, Lots 83,84,85, Block 75.03, Lots 50.01, 69” prepared by Goldenbaum Baill Associates, Inc. dated December 28, 2009, Project #08-020, no revisions, and a survey prepared by Goldenbaum Baill Associates, Inc. dated September 22, 2009 as Note 3, and on a metes and bounds description entitled “Description of Cedar Street Extension Easement to be Vacated,” prepared by Goldenbaum Baill Associates, Inc. dated December 31, 2009, no revisions, Project #08-020.

The Borough of Red Bank also authorizes the release of all of its interest in a portion of the existing right of way, approximately 126 feet long, 44.16 feet wide, measured in a westerly direction from the easterly

terminus of Cedar Avenue as show on the official tax map of the Borough of Red Bank. The right of way that is being released, extinguished and vacated is described on a map entitled, the "Easement Plan, Block 75.01, Lots 83,84,85, Block 75.03, Lots 50.01, 69" prepared by Goldenbaum Baill Associates, Inc. dated December 28, 2009, Project #08-020, no revisions and on a metes and bounds description entitled "DESCRIPTION OF A PORTION OF CEDAR STREET TO BE VACATED," prepared by Goldenbaum Baill Associates, Inc. dated December 31, 2009, no revisions, Project #08-020.

SECTION THREE: The Borough of Red Bank also authorizes the release of all of its interest in a portion of the existing right of way, approximately 24.9 feet long, 50 feet wide, measured in a westerly direction from the easterly terminus of River Street as show on the official tax map of the Borough of Red Bank. The right of way that is being released, extinguished and vacated is described on a map entitled, the "Easement Plan, Block 75.01, Lots 83,84,85, Block 75.03, Lots 50.01, 69" prepared by Goldenbaum Baill Associates, Inc. dated December 28, 2009, Project #08-020, no revisions and on a metes and bounds description entitled "DESCRIPTION OF A PORTION OF RIVER STREET TO BE VACATED," prepared by Goldenbaum Baill Associates, Inc. dated December 31, 2009, no revisions, Project #08-020.

SECTION FOUR: The Mayor and any other appropriate representatives of the Borough are authorized to execute and attest to, respectively, the aforementioned easements subject to review and approval by the Borough Attorney.

SECTION FIVE: Any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance.

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

SECTION SEVEN: This Ordinance shall take effect immediately upon its passage and adoption according to law.

Seconded by Mr. Murphy 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: November 7, 2012

Pasquale Menna, Mayor

Pamela Borghi, Municipal Clerk

First Reading: October 10, 2012

Final Reading: November 7, 2012