

**ORDINANCE 2018-26**

**ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH,  
STATE OF NEW JERSEY, AUTHORIZING THE ACQUISITION OF TWO (2)  
EASEMENTS AFFECTING BLOCK 71, LOT 5 FROM THE BOARD OF  
EDUCATION OF THE BOROUGH OF RED BANK FOR THE PURPOSE OF  
CONSTRUCTING AN EMERGENCY ACCESS DRIVEWAY AND WATER MAIN**

Councilman Zipprich offered the following ordinance and moved its adoption:

**WHEREAS**, the Borough of Red Bank, 90 Monmouth Street, Red Bank, New Jersey (hereinafter, the "Borough"), is a municipal corporation of the State of New Jersey and is authorized, pursuant to N.J.S.A. 40A:12-5, to acquire easement interests in real property for public business and use by Ordinance; and

**WHEREAS**, the Board of Education of the Borough of Red Bank (hereinafter, the "BOE"), is the titled owner of real property known as Block 71, Lot 5 on the Borough's Tax Map (hereinafter, the "Property"), upon which lands is located the Red Bank Primary School; and

**WHEREAS**, the Borough and the BOE have agreed that the construction of an emergency access driveway and improved water main on the Property would enhance the health and safety of the students attending Red Bank Primary School; and

**WHEREAS**, in furtherance of the project, the Borough and the BOE have negotiated and agreed upon: (1) a Deed of Temporary Construction and Permanent Water Main Easement; and (2) a Deed of Temporary Construction and Permanent Emergency Access Driveway and Utility Easement (hereinafter, collectively, the "Easements"), which Easements set forth the terms, conditions, and obligations of the Borough and BOE, respectively, with regard to the project;

**NOW, THEREFORE, BE IT ORDAINED** by the Governing Body of the Borough of Red Bank, County of Monmouth, State of New Jersey, as follows:

1. That the Governing Body does hereby approve the Easements, which are attached hereto as Exhibit A; and
2. That the Mayor is hereby authorized to execute the Easements;
3. The Borough Attorney is hereby authorized to record the Easements with the Monmouth County Clerk; and
3. That a certified copy of this Ordinance shall be forwarded to the Borough Clerk, the Borough Administrator, and the Board of Education of the Borough of Red Bank.

**BE IT FURTHER ORDAINED** that any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance; and

**BE IT FURTHER ORDAINED** that, 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.

**BE IT FURTHER ORDAINED** that this Ordinance shall take effect immediately upon its passage and adoption according to law.

Seconded by Councilwoman Horgan and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilman Taylor	( x )	( )	( )	( )
Councilman Whelan	( x )	( )	( )	( )

Councilman Yngstrom	( x )	( )	( )	( )
Councilman Ballard	( x )	( )	( )	( )
Councilman Zipprich	( x )	( )	( )	( )
Councilwoman Horgan	( x )	( )	( )	( )

Dated: September 26, 2018

I hereby certify this to be a true copy of Ordinance No. 2018-26  
which was adopted on final reading on September 26, 2018.

**Pamela Borghi**

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Municipal Clerk