

ORDINANCE NO. 2019-33

**ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH,
STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION OF EASEMENT(S)
AFFECTING BLOCK 30.01, LOT 28 FROM THE PRIVATE OWNER THEREOF FOR THE
PURPOSE OF CONSTRUCTING STREETScape, DRAINAGE, AND LIGHTING
IMPROVEMENTS IN THE AREA OF WHITE STREET AND ENGLISH PLAZA**

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 Red Bank 24, LLC (hereinafter, the "Owner"), is the titled owner of real property known as Block 30.01, Lot 28 on the Borough's Tax Map (hereinafter, the "Property"), upon which lands, the Borough is constructing improvements to the streetscapes, drainage, and lighting; and

WHEREAS, the Borough and the Owner have agreed that the construction of the aforementioned improvements upon the Property would enhance its value, as well as the health and safety of the residents of Red Bank; and

WHEREAS, in furtherance of the project, the Borough and the Owner have negotiated and agreed upon certain Easements, which set forth the terms, conditions, and obligations of the Borough and the Owner, 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 Easement(s) 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 Attorney, the Borough Administrator, RiverCenter, and the Owner.

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that any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance; and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.

	Motion	Yes	No	Abstain	Absent
Councilman Yassin		X			
Councilwoman Triggiano		X			
Councilman Ballard		X			
Councilman Yngstrom	Second	X			
Councilman Zipprich	Motion	X			
Councilwoman Horgan		X			

First Reading/Introduction: June 19, 2019
Public Hearing/Adoption: July 24, 2019

I hereby certify the above to be a true copy.

Pamela Borghi, Municipal Clerk