

ORDINANCE NO. 2019-39

**ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH,
STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION OF A PERMANENT
EASEMENT AFFECTING 25 VISTA PLACE A/K/A BLOCK 13, LOT 16 FROM THE OWNER
THEREOF FOR THE PURPOSE OF MEMORIALIZING AND RECORDING THE LOCATION
AND AUTHORITY FOR A PRE-EXISTING BOROUGH-OWNED DRAINAGE PIPE**

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, James Dooley and Janice Dooley (hereinafter, the "Owners"), are the titled owners of real property located at 25 Vista Place, and also known as Block 13, Lot 16 on the Borough's Tax Map (hereinafter, the "Property"), upon which lands, the Owners have obtained approval from the Borough's Zoning Board of Adjustment for the construction of certain improvements; and

WHEREAS, during the Owners' proceedings before the Zoning Board of Adjustment, it was discovered that a Borough-owned drainage pipe is located under a certain portion of the Property; and

WHEREAS, it was further discovered that the interests recorded with the Monmouth County Clerk with respect to the Property do not include any memorialization or authority for the presence of the Borough's existing drainage pipe upon the Property; and

WHEREAS, the Borough and the Owners now desire to memorialize an appropriate permanent easement formally authorizing the aforementioned Borough-owned drainage pipe passage through, under, and upon the lands comprising the Property;

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 Permanent Drainage Easement attached hereto as Exhibit A; and
2. That the Mayor is hereby authorized to execute the Easement;
3. The Owners shall be responsible for recording the Easement with the Monmouth County Clerk in satisfaction of their approval from the Borough's Zoning Board of Adjustment; and
3. That a certified copy of this Ordinance shall be forwarded to the the Borough Administrator, Borough Planning and Zoning Department, and the Owners.

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that any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance; and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		X			
Councilman Zipprich	Second	X			
Councilwoman Horgan	Motion	X			

First Reading/Introduction: July 24, 2019

Public Hearing/Adoption: August 21, 2019

I hereby certify the above to be a true copy.

Pamela Borghi

Pamela Borghi, Municipal Clerk