

**ORDINANCE NO. 2020-07**

**ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH,  
STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION OF  
A PERMANENT PARKING EASEMENT AFFECTING  
BLOCK 9.01, LOTS 6.01 & 7 FROM THE OWNER THEREOF  
FOR THE PURPOSE OF CREATING THREE PUBLIC PARKING SPACES  
ON ICE BOAT LANE**

**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**, Denholtz Boat Club Court, LLC (hereinafter, the "Owner"), is the titled owner of real property identified as Block 9.01, Lots 6.01 & 7 on the Borough's Tax Map (hereinafter, the "Properties"), upon which lands, the Owner has obtained approval from the Borough's Zoning Board of Adjustment for certain development and improvements; and

**WHEREAS**, under the Owners' approvals received from the Zoning Board of Adjustment, the Owner is required to dedicate by easement a certain area of the Properties directly adjacent to Ice Boat Lane to the Borough for the purposes of creating three (3) public parking spaces; and

**WHEREAS**, the Borough and the Owner now desire to memorialize an appropriate permanent easement formally authorizing and creating three (3) public parking spaces over, through, and upon the lands comprising the Properties;

**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 Deed of Parking Easement attached hereto as Exhibit A; and
2. That the Mayor is hereby authorized to execute the Easement;
3. The Owner shall be responsible for recording the Easement with the Monmouth County Clerk in satisfaction of its approval from the Borough's Zoning Board of Adjustment; and
3. That a certified copy of this Ordinance shall be forwarded to the Borough Administrator, Borough Planning and Zoning Department, Borough DPU Director, 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that any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance; and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		X			
Councilman Zipprich	Motion	X			
Councilwoman Horgan	Second	X			

Dated: March 11, 2020  
Public Hearing/Adoption: April 22, 2020

I hereby certify the above to be a true copy.

*Pamela Borghi*

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Pamela Borghi, Municipal Clerk

**DEED OF PARKING EASEMENT**

**This Deed** is made on \_\_\_\_\_, 2020 between

DENHOLTZ BOAT CLUB COURT, LLC, a limited liability company of the State of New Jersey, whose post office address is 116 Chestnut Street, Suite 102, Red Bank, New Jersey 07701 (hereinafter referred to as "Grantor")

AND

BOROUGH OF RED BANK, a Municipal Corporation of the State of New Jersey, whose post office address is 90 Monmouth Street, Red Bank, NJ 07701 (hereinafter referred to as "Grantee")

(The words "Grantor" and "Grantee" include all Grantors and all Grantees under this Deed)

In return for the payment to the Grantor by the Grantee of ONE AND 00/100 (\$1.00) DOLLARS, the Grantor grants and conveys to the Grantee access over and across lands located in the Borough of Tinton Falls, County of Monmouth and State of New Jersey, specifically described as follows:

See attached Schedule "A".

Purpose of Deed: The purpose of this deed is to grant a public parking easement for three parking stalls across and over the within described property of the Grantor situate in the Borough of Tinton Falls, County of Monmouth, State of New Jersey, in accordance with the Resolution 2019-15 of the Red Bank Zoning Board of Adjustment, granting Preliminary and Final Site Plan Approval to the Grantor.

This land is designated and described as in the attached Schedule.

The Grantor covenants that the Grantor has done no act to encumber the land.

The Grantor has received the full payment from the Grantee.

The Grantor signs this Deed on the first date above written.

WITNESS:

**GRANTOR: Denholtz Boat Club Court, LLC**

\_\_\_\_\_

By: \_\_\_\_\_

Name:

Title:

STATE OF NEW JERSEY :  
: SS.  
COUNTY OF MONMOUTH :

**BE IT REMEMBERED**, that on this \_\_\_\_ day of \_\_\_\_\_, 2020 before me, the subscriber, personally appeared \_\_\_\_\_ who acknowledged under oath, to my satisfaction, that he or she (a) is a member or manager of **Denholtz Boat Club Court, LLC**, the limited liability company named in the within instrument and is authorized to sign the within instrument on behalf of the limited liability company; and (b) as such member or manager, signed, sealed and delivered this instrument as the voluntary act and deed of the limited liability company, made by virtue of authority from all of its members.

\_\_\_\_\_  
Notary Public

[Notarial Seal]  
My Commission Expires:

## SCHEDULE A

DEED DESCRIPTION FOR A PARKING EASEMENT OVER A PORTION OF PROPERTY KNOWN AS LOTS 6.01 & 7 IN BLOCK 9.01 AS SHOWN ON OR ABOUT TO BE SHOWN ON THE OFFICIAL TAX MAP OF THE BOROUGH OF RED BANK, MONMOUTH COUNTY, NEW JERSEY.

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BEGINNING at a point in the northerly right of way line of a 20 foot wide right of way (20 feet wide, Tax Map), said point being South 69 degrees 18 minutes 52 seconds West a distance of 14.41 feet from the easterly terminus of the aforementioned 20 foot wide right of way, thence:

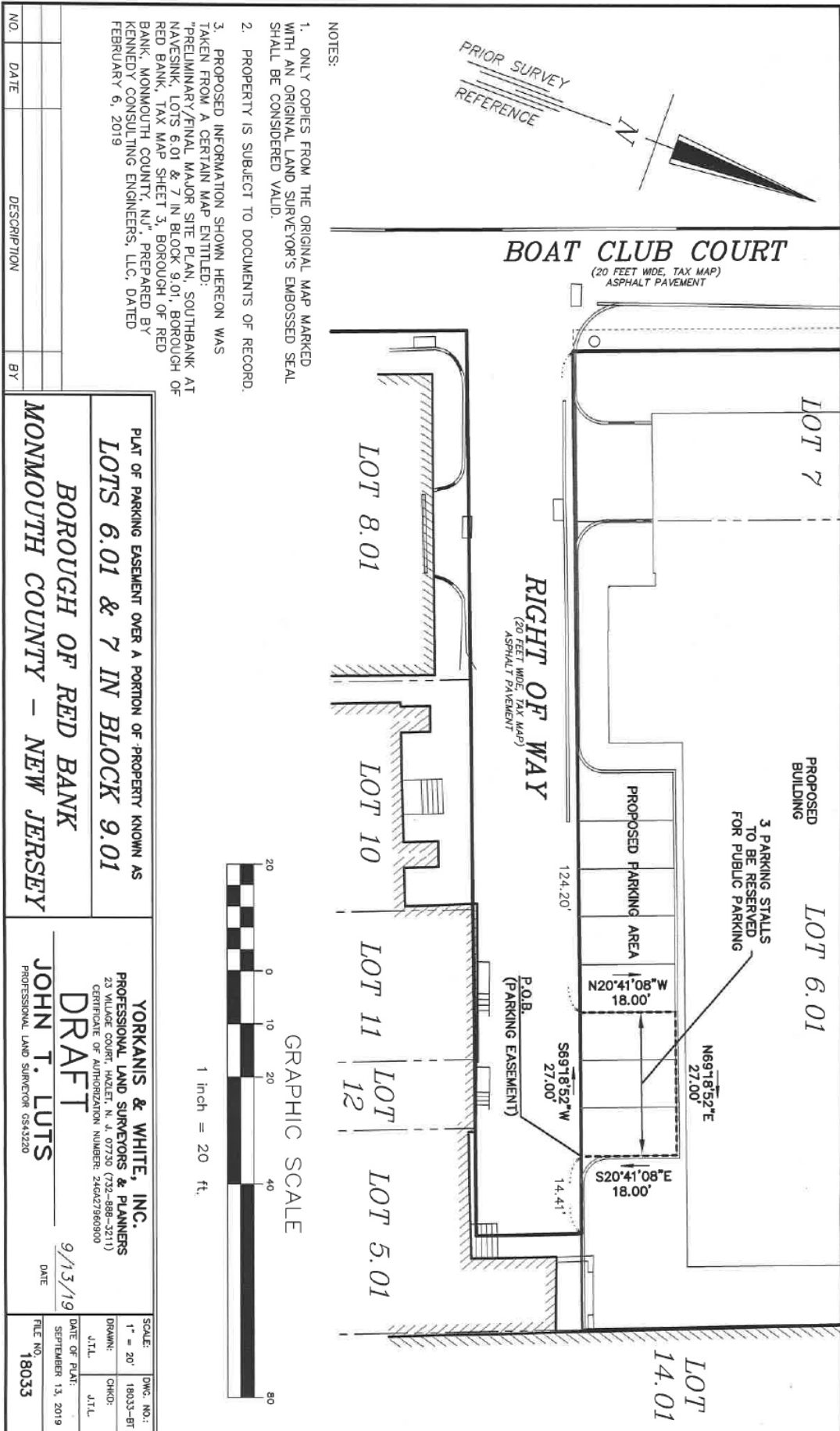
1. Along the aforementioned northerly right of way line, South 69 degrees 18 minutes 52 seconds West a distance of 27.00 feet to an easement corner; being North 69 degrees 18 minutes 52 seconds East a distance of 124.20 feet from the easterly right of way line of Boat Club Court (20 feet wide, Tax Map), thence:
2. Through Lots 6.01 & 7, the following three (3) courses: North 20 degrees 41 minutes 08 seconds West a distance of 18.00 feet to an easement corner, thence:
3. North 69 degrees 18 minutes 52 seconds East a distance of 27.00 feet to an easement corner, thence:
4. South 20 degrees 41 minutes 08 seconds East a distance of 18.00 feet to the point or place of BEGINNING.

Containing 486 more or less square feet of land.

This description was prepared by Yorkanis & White, Inc., Professional Land Surveyors and Planners, 23 Village Court, Hazlet, New Jersey, 07730, in accordance with their plat entitled: "Boundary and Topographical Survey Map of Property Known as Lots 6.01 & 7 in Block 9.01, Borough of Red Bank, Monmouth County, New Jersey", dated July 26, 2018; and from digital information provided by and shown on their map entitled: "Preliminary/Final Major Site Plan, Southbank at Navesink, Lots 6.01 & 7 in Block 9.01, Borough of Red Bank, Tax Map Sheet 3, Borough of Red Bank, Monmouth County, NJ", prepared by Kennedy Consulting Engineers, LLC, dated February 6, 2019; and a certain map entitled "Plat of Parking Easement Over a Portion of Property Known as Lots 6.01 & 7 in Block 9.01, Borough of Red Bank, Monmouth County, New Jersey", prepared by Yorkanis & White, Inc., dated September 13, 2019, a copy of which is attached hereto, and made a part hereof.

*DRAFT 9/13/19*

John T. Luts, PLS  
New Jersey License No. GS43220



**Record and Return to:**  
John A. Giunco, Esq.  
Giordano Halleran & Ciesla  
125 Half Mile Road  
Suite 300  
Red Bank, NJ 07701