

**ORDINANCE NO. 2020-13**

**ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH,  
STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION OF A PERMANENT PUBLIC  
ACCESS EASEMENT AFFECTING A PORTION OF 28 RIVERSIDE AVENUE, ALSO KNOWN  
AS BLOCK 7, LOT 15.01, FOR THE BOROUGH'S ONGOING EFFORTS TO SECURE  
CONTINUOUS AND CONTIGUOUS PUBLIC ACCESS TO THE NAVESINK RIVER**

**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 purposes and use by Ordinance; and

**WHEREAS**, the Riverview Towers Apartment Corporation (hereinafter, the "Owner"), is the titled owner of real property located at 28 Riverside Avenue, and also known as Block 7, Lots 15 and 15.01 on the Borough's Tax Map, upon which lands, the Owner has obtained approval from the Borough's Zoning Board of Adjustment for the construction of certain improvements; and

**WHEREAS**, pursuant to the Borough Code and consistent with the Borough's ongoing efforts to secure continuous and contiguous public access to the Navesink River, the Owner's zoning approvals require the provision of a 25-foot-wide public access easement affecting the portion of 28 Riverside Avenue known as Block 15, Lot 15.01 (hereinafter, the "Property"); and

**WHEREAS**, the Borough and the Owner now desire to memorialize an appropriate permanent public access easement affecting the Property in satisfaction of said condition of the Owner's zoning approval;

**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 Public Access 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
4. That a certified copy of this Ordinance shall be forwarded to the Borough Administrator, Borough Planning and Zoning Department, 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that any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance; and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	Motion	X			
Councilwoman Triggiano		X			
Councilman Ballard		X			
Councilman Yngstrom		X			
Councilman Zipprich	Second	X			
Councilwoman Horgan		X			

Introduction: July 22, 2020  
Public Hearing/Adoption: August 19, 2020

I hereby certify the above to be a true copy.

*Pamela Borghi*

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Pamela Borghi, Municipal Clerk