

ORDINANCE NO. 2023-10

**AN ORDINANCE OF THE BOROUGH OF RED BANK, COUNTY OF
MONMOUTH, 96-98 WEST FRONT STREET, LLC, FOR AN ACCESS AND
MAINTENANCE EASEMENT TO 96-98 WEST FRONT STREET, LLC**

WHEREAS, 96-98 West Front Street, LLC is constructing retaining walls on 96-98 West Front Street, LLC's Property in the Borough of Red Bank (the "Borough") designated as Lots 2, 3, and 3.01 in Block 8 ("96-98 West Front Street's Property"); and

WHEREAS, in order to construct the retaining walls, 96-98 West Front Street, LLC requires from the Borough an access and maintenance easement through, over and across the Borough's land in Lots 4 and 5 in Block 8 (the "Library Property") and Lots 1 and 1.01 in Block 8 (the "Maple Cove Property"), (collectively the "Library Property" and "Maple Cove Property" is the "Borough's Property") as consistent with the Amended Site Plan Approval issued by the Red Bank Board Zoning Board of Adjustment dated December 2, 2021 and as shown on the tax map for the Borough; and

WHEREAS, in order to construct the retaining walls, 96-98 West Front Street, LLC requires from the Borough an access and maintenance easement to and from the retaining walls constructed on 96-98 West Front Street's Property, along the boundaries of 96-98 West Front Street's Property's and the Borough's Property to maintain the retaining walls as consistent with the Amended Site Plan Approval issued by the Red Bank Board Zoning Board of Adjustment dated December 2, 2021 and as shown on the tax map for the Borough; and

WHEREAS, in order to construct the retaining walls, 96-98 West Front Street, LLC requires from the Borough an access and maintenance easement to and from the retaining walls constructed on 96-98 West Front Street's Property, along the boundaries of 96-98 West Front Street's Property's and the Borough's Property to plant and maintain trees and shrubbery on the Library Property as consistent with the Amended Site Plan Approval issued by the Red Bank Board Zoning Board of Adjustment dated December 2, 2021 and as shown on the tax map for the Borough; and

WHEREAS, in order to construct the retaining walls, 96-98 West Front Street, LLC requires from the Borough an access and maintenance easement through, over and across the Borough's Property for labor, vehicles, equipment, materials, and supplies. The access and maintenance easement shall only be amended, modified or vacated with the express written consent of the Borough, its successors and/or assigns; and

WHEREAS, 96-98 West Front Street, LLC has offered the Borough of Red Bank One Dollar (\$1.00) for the access and maintenance easement.

WHEREAS, pursuant to N.J.S.A. 40A:12-13(b) the Borough Council may, by ordinance, sell an easement upon the Borough real property to 96-98 West Front Street, LLC.


NOW THEREFORE BE IT ORDAINED, by the Borough Council of the BOROUGH OF RED BANK, in the County of MONMOUTH, 96-98 West Front Street, LLC, as follows:

1. The Borough shall grant and convey to 96-98 West Front Street, LLC, Lots 4 and 5 in Block 8, (the "Library Property") and Lot 1 and 1.01 in Block 8 (the "Maple Cove Property") (collectively the "Library Property" and "Maple Cove Property" is the "Borough's Property") as shown on the tax map of the Borough:
 - a. an access and maintenance easement through, over and across the Borough's Property as consistent with the Amended Site Plan Approval issued by the Red Bank Board Zoning Board of Adjustment dated December 2, 2021;
 - b. an access and maintenance easement to and from the retaining walls constructed on 96-98 West Front Street's Property, along the boundaries of

96-98 West Front Street's Property's and the Borough's Property to maintain the retaining walls as consistent with the Amended Site Plan Approval issued by the Red Bank Board Zoning Board of Adjustment dated December 2, 2021;

- c. an access and maintenance easement to and from the retaining walls constructed on 96-98 West Front Street's Property, along the boundaries of 96-98 West Front Street's Property's and the Borough's Property to plant and maintain trees and shrubbery on the Library Property as consistent with the Amended Site Plan Approval issued by the Red Bank Board Zoning Board of Adjustment dated December 2, 2021;
 - d. an access and maintenance easement through, over and across the Borough's Property for labor, vehicles, equipment, materials, and supplies;
2. The Borough Clerk shall publish, this ordinance, after being introduced and having passed a first reading, at least once not less than ten (10) days instead of one (1) week prior to the time fixed for further consideration for final passage, pursuant to N.J.S.A. 40:49-6; and
 3. The Borough Clerk shall, at least one (1) week prior to the time fixed for final passage of such ordinance, mail a copy thereof, together with a notice of the introduction thereof, and the time and place when and where the ordinance will be further considered for final passage, to every person whose lands may be affected by the ordinance or any assessment which may be made in pursuance thereof, pursuant to N.J.S.A. 40:49-6.

This Ordinance shall become effective immediately after publication in the manner provided by law. If any section, subsection, part, sentence, clause or phrase of this Ordinance shall be declared invalid by judgment of any court of competent jurisdiction, such section, subsection, part, sentence, clause or phrase shall be deemed to be severable from the remainder of this Ordinance. This Ordinance shall take effect after final passage and publication according to law.

INTRODUCTION						COUNCILMEMBER	FINAL ADOPTION					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
		X				JOHN JACKSON	X		X			
					X	ANGELA MIRANDI					X	
		X				JACQUELINE STURDIVANT		X	X			
X		X				KATE TRIGGIANO			X			
	X	X				MICHAEL BALLARD			X			
				X		EDWARD ZIPPRICH					X	
						MAYOR WILLIAM PORTMAN						
Introduced: March 22, 2023						I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Red Bank, County of Union, State of New Jersey on the aforementioned date.						
Final Adoption: April 12, 2023												
						 _____ Laura Reinertsen, Borough Clerk						