

# THE ORDINANCE FAILED TO BE INTRODUCED

April 28, 2021

## ORDINANCE 06-2021

### BOROUGH OF EATONTOWN COUNTY OF MONMOUTH, STATE OF NEW JERSEY

#### AN ORDINANCE AUTHORIZING THE CONVEYANCE OF A PUBLIC WALKING PATH EASEMENT WITHIN THE LAKEVIEW TOWNHOMES DEVELOPMENT

**WHEREAS**, under N.J.S.A. 40A:12-5, the Borough of Eatontown (the "Borough") is authorized to acquire real property by purchase or gift, upon the adoption of an ordinance to authorize the acquisition of the real property; and

**WHEREAS**, pursuant to a Municipal Services Agreement, Lakeview Townhomes at Eatontown, LLC, the owner of real property commonly known as 74 Tinton Avenue, Eatontown New Jersey, designated as Block 401, Lot 19 on the Borough's Official Tax Map (the "Property") agreed to convey an easement for the purpose of constructing and maintaining a 236 ft. x 10 ft. public walking path and fence along the portion the Wampum Lake on the Property as shown on the Map attached hereto as **Exhibit A** (the "Easement").

**WHEREAS**, the Owner desires to convey the Easement to the Borough for the consideration noted in the Municipal Services Agreement; and

**WHEREAS**, the Borough Council finds it to be in the best interests of the Borough and its residents to authorize the acquisition of the Easement for public use.

**NOW, THEREFORE, BE IT ORDAINED**, by the Borough Council of the Borough of Eatontown, County of Monmouth and State of New Jersey, that it hereby approves the conveyance of a 236 ft. x 10 ft. easement for the purpose of constructing and maintaining a public walking path and fence along the portion of Wampum Lake on the Property known as 74 Tinton Avenue, Eatontown New Jersey, designated at Block 401, Lot 19 on the Borough's Official Tax Map, and the Mayor is hereby authorized to execute any and all documents necessary to effectuate the acquisition of the Easement.

**IT IS FURTHER ORDAINED**, that the Borough Engineer is authorized to survey the easement to prepare a metes and bound legal description to be appended to the easement for recording.

**IT IS FURTHER ORDAINED**, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

**IT IS FURTHER ORDAINED** that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

**IT IS FURTHER ORDAINED** that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

# THE ORDINANCE FAILED TO BE INTRODUCED