

RESOLUTION NO. 2015 – 141

**RESOLUTION OF THE BOROUGH OF BAY HEAD,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AFFIRMING NEUTRAL POSITION OF THE BOROUGH
OF BAY HEAD REGARDING MANASQUAN INLET TO
BARNEGAT INLET STORM DAMAGE REDUCTION
PROJECT**

WHEREAS, the State of New Jersey Department of Environmental Protections has indicated its intention to exercise eminent domain for the taking of easements on oceanfront property within the Borough of Bay Head in association with the Manasquan Inlet to Barnegat Inlet Storm Damage Reduction Project; and

WHEREAS, the Borough of Bay Head owns no oceanfront property, nor any part of the Chadwick Street access path, all of which is owned by private property owners or the Bay Head Improvement Association; except for the following: the Borough of Bay Head does own the portion of land that is covered by Borough walkovers at the street ends and some distance onto the beach at Osborne Avenue and Strickland and Egbert Streets which has been deemed as needed for the U.S. Army Corps of Engineers' Manasquan Inlet to Barnegat Inlet Storm Damage Reduction Project; and

WHEREAS, the governing body of Bay Head including the Mayor and Council Members (hereinafter "the governing body") is aware of the installation of a rock revetment along the length of the Bay Head oceanfront and associated sand cover, vegetation and other storm protection devices which have been constructed, reconstructed, repaired, and maintained by oceanfront property owners, at their own personal expense; and

WHEREAS, the governing body is mindful that there are differences of opinion amongst the Bay Head property owners, including the oceanfront property owners as to the desirability and efficacy of the Manasquan Inlet to Barnegat Inlet Storm Damage Reduction Project and the form of the easements sought by the New Jersey Department of Environmental Protection in association with such project; and

WHEREAS, it is the desire of the governing body of the Borough of Bay Head to assert its position of neutrality regarding the Manasquan Inlet to Barnegat Inlet Storm Damage Reduction Project and the associated easements as the Borough owns no oceanfront property, except for the property described above, and the governing body will not interfere with the decisions and positions of the Bay Head property owners, including the oceanfront property owners and will not exercise the Borough's own power of eminent domain and/or authority

pursuant to N.J.S.A. App. A:9-51. (The Disaster Control Act), in association with the Manasquan Inlet to Barnegat Inlet Storm Damage Reduction Project.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Bay Head, County of Ocean, State of New Jersey as follows:

1. That the governing body of the Borough of Bay Head hereby states and affirms its position of neutrality regarding the Manasquan Inlet to Barnegat Inlet Storm Damage Reduction Project and the associated easements as the Borough owns no oceanfront property, except for the portion of land that is covered by Borough walkovers at the street ends and some distance onto the beach at Osborne Avenue and Strickland and Egbert Streets, and the governing body will not interfere with the decisions and positions of the Bay Head property owners, including the oceanfront property owners and will not exercise the Borough's own power of eminent domain and/or authority pursuant to N.J.S.A. App. A:9-51. (The Disaster Control Act), in association with the Manasquan Inlet to Barnegat Inlet Storm Damage Reduction Project.
2. That the Borough shall voluntarily take action to provide the easements over the portion of Borough-owned property deemed needed for the U.S. Army Corps of Engineers' Manasquan Inlet to Barnegat Inlet Storm Damage Reduction Project for the portions of land covered by Borough walkovers at the street ends of Osborne Avenue and Strickland and Egbert Streets, as soon as and only upon acquisition, voluntary or otherwise, by the State of New Jersey and/or Army Corps of Engineers of all other property located in the Borough of Bay Head which has been deemed necessary for such project by the U.S. Army Corps of Engineers.
3. It is the Borough of Bay Head's intention to remain neutral and allow the oceanfront property owners and any other Bay Head property owners with an interest to take whatever actions they believe necessary in regard to this matter.
4. That a copy of this resolution shall be provided by the Borough Clerk to the New Jersey Department of Environmental Protection.

CERTIFICATION

I, PATRICIA M. APPLGATE, do hereby certify that the foregoing is a true copy of a resolution adopted by the Governing Body of the Borough of Bay Head at a meeting held on the 7th day of December, **2015**.



PATRICIA M. APPLGATE, RMC
Borough Clerk, Borough of Bay Head