

**ORDINANCE NO. 2015-26**

**AN ORDINANCE OF THE BOROUGH OF BAY HEAD,  
COUNTY OF OCEAN, STATE OF NEW JERSEY,  
AUTHORIZING THE CONVEYANCE OF A  
PERMANENT EASEMENT OVER A PORTION OF  
BLOCK 51, LOT 7 TO THE NEW JERSEY  
DEPARTMENT OF TRANSPORTATION FOR USE AS  
PART OF ROUTE 35 PROJECT**

**WHEREAS**, pursuant to the Local Land and Buildings Law, N.J.S.A. 40A:12-1 et seq., the Borough of Bay Head has the power to sell any real property or interests therein for a public purpose; and

**WHEREAS**, the Borough of Bay Head is the owner of lands known as Block 51, Lot 7 on the official Tax Map of the Borough of Bay Head, described by the NJDOT as Parcel PAE 157 at about Station 4+44.10 (Mount Street Baseline Stationing); and

**WHEREAS**, the New Jersey Department of Transportation has offered to acquire a permanent access easement in and to the property described as Parcel PAE157 for the purpose of moving personnel, materials and equipment to the adjoining Temporary Work Area; and

**WHEREAS**, the NJDOT requires the parcel for use in the Route 35 Project and has offered the Borough consideration in the amount of \$14,300.00 pursuant to the determination of an appraisal by Robert Gagliano, MAI; and

**WHEREAS**, the Borough Council has determined that the conveyance of the Easement Parcel to the NJDOT for the Route 35 project would serve a public purpose.

**NOW, THEREFORE, BE IT ORDAINED** by the governing body of the Borough of Bay Head, County of Ocean, and State of New Jersey, as follows:

**SECTION 1.** The Borough Council hereby authorizes and approves the conveyance of a permanent easement, granting a nonexclusive right of ingress and egress for the State over a portion of Block 51, Lot 7, designated as Parcel PAE157, Borough of Bay Head, as more particularly described in the Agreement attached hereto and incorporated herein as Schedule A for the purpose of moving personnel, materials and equipment to the adjoining Temporary Work Area for compensation in the amount of \$14,300.00.

**SECTION 2.** The Mayor and Borough Clerk are hereby authorized and directed to execute any and all such documents providing for the Borough's conveyance of interest in the Property and to undertake any and all such acts as may be necessary to effectuate the terms

hereof, subject to the Borough Attorney's approval of the form and substance of said documents.

**SECTION 3.** If any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudged and the remainder of this Ordinance shall be deemed valid and effective.

**SECTION 4.** This ordinance shall take effect immediately upon its passage and publication as required by law.

#### **NOTICE**

NOTICE IS HEREBY GIVEN that the foregoing ordinance was introduced and passed by the Borough Council on first reading at a meeting of the Borough Council of the Borough of Bay Head held on the 2nd day of November, 2015, and will be considered for second reading and final passage at a regular meeting of the Borough Council to be held on the 7th day of December, 2015, at 7:00 p.m., at the Bay Head Fire House, located at 81 Bridge Avenue, Bay Head, New Jersey, at which time and place any persons desiring to be heard upon the same will be given the opportunity to be so heard.

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Patricia M. Applegate, RMC  
Borough Clerk, BOROUGH OF BAY HEAD