

**ORDINANCE NO.: 2009 – 15**

**ORDINANCE OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING EXECUTION AND ACCEPTANCE OF A DRAINAGE EASEMENT WITH THE COUNTY OF OCEAN AFFECTING PROPERTY KNOWN AND DESIGNATED AS BLOCK 201, LOT 25, BARNEGAT TOWNSHIP, NEW JERSEY**

WHEREAS, the Township of Barnegat, County of Ocean, State of New Jersey (hereinafter referred to as the "Township"), is the owner of certain real estate located in Barnegat Township, known and designated as Block 201, Lot 24, on the Tax Map of Barnegat Township, New Jersey ("Property"); and

WHEREAS, the County of Ocean is in need of obtaining a drainage easement affecting Block 201, Lot 24, Barnegat Township, New Jersey, for the purpose of upgrading and maintaining its stormwater management along the north side of the Property from Bay Shore Drive to Barnegat Bay; and

WHEREAS, discussions have been ongoing between the County of Ocean and the Township as to the conditions to be imposed in conjunction with the acquisition of the drainage easement by the County:

WHEREAS, the Township finds that the granting of this drainage easement and is in the long-term best interests of the Township, its citizens and taxpayers; and

WHEREAS, the granting of the easement will be at no cost to the Township for the work to be undertaken by the County of Ocean:

NOW, THEREFORE, BE IT **ORDAINED**, by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, as follows:

**SECTION 1:** In accordance with the provisions of *N.J.S.A. 40A:12-1 et seq.*, the Township of Barnegat grants a drainage easement to the County of Ocean across a portion of Block 201, Lot 24, in conjunction with the County's upgrade and maintenance of stormwater management along Bay Shore Drive, for no consideration. The metes and bounds description of the drainage easement is attached hereto and made a part hereof.

**SECTION 2:** The Township finds that the acquisition of this easement is in the long-term best interests of the Township and its ratepayers, and is needed by the Township in order to provide better service to the citizens of Barnegat Township and its ratepayers.

SECTION 3: The Township authorizes and directs the Mayor, Township Clerk and Township Administrator to execute any and all necessary documents in order implement the intent of this Ordinance.

SECTION 4: Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions.

SECTION 5: Repealer. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 6: Effective Date. This ordinance shall take effect after second reading and publication as required by Law.

#### **NOTICE**

**NOTICE IS HEREBY GIVEN** that the foregoing Ordinance was introduced and passed on the first reading by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey on **April 20, 2009**. The Ordinance will be considered for second and final reading at a meeting of the Township Committee on **May 4, 2009, at 6:30 p.m.**, or as soon thereafter as the matter may be reached and considered, at the Municipal Building located at 900 West Bay Avenue, Barnegat, New Jersey. At that time the public is invited to ask questions, raise objections or provide public comment with regard to the proposed adoption of

this Ordinance.

**KATHLEEN T. WEST**, Township Clerk Prepared by:

**DASTI, MURPHY, McGUCKIN, ULAKY,  
CHERKOS & CONNORS**

Forked River, New Jersey 08731

JJD/gjB amegat.Ordinances.2009[GL-17961 ]  
[Ocean County-Bay Shore Dr.- Easement-GL-18203]

## **CERTIFICATION**

I, Kathleen T. West, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify by my hand and seal that the foregoing ordinance, namely Ordinance 2009-15 entitled "Ordinance of the Township of Barnegat, County of Ocean, State of New Jersey, authorizing execution and acceptance of a drainage easement with the County of Ocean affecting property known and designated as Block 201, Lot 25, Bayshore Drive, Barnegat Township, NJ was introduced and passed at a regular meeting of the Barnegat Township Committee on the 20th day April, 2009 and finally adopted by the Township Committee of said Township after public hearing at their regular meeting held on the 4th day of May, 2009 at the Municipal Complex, 900 West Bay Avenue, Barnegat, NJ

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Kathleen T. West, RMC Municipal Clerk