

Ms. Kane offered the following amended ordinance pass final reading and moved on its adoption:

**Borough of Highlands
County of Monmouth
O-15-7**

**AN ORDINANCE ACCEPTING A DEED OF SITE TRIANGLE EASEMENT FOR
BLOCK 101, LOT 27.02 FROM PULTE HOMES OF N.J.**

WHEREAS, N.J.S.A. 40A:12-14, authorizes a municipality to acquire easements; and

WHEREAS, N.J.S.A. 40A:12-5 requires that the acquisition of easements by municipalities be accomplished by ordinance; and

WHEREAS, on or about March 13, 2014, memorialized in Resolution No. PB#2013-3, the Borough of Highlands Planning Board granted Final Site Plan Approval to Navesink Capital Partners, LLC ("Navesink") to construct a mixed-use development on real property, including upon Block 101, Lot 27.02; and

WHEREAS, Navesink was, at the time it received Final Site Plan Approval, the owner of Block 101, Lot 27.02; and

WHEREAS, Navesink subsequently transferred ownership of Block 101, Lot 27.02 to Pulte Homes of NJ ("Pulte"), which will be developing Block 101, Lot 27.02 in accordance with Final Site Plan Approval granted to Navesink; and

WHEREAS, Resolution No. PB#2013-3 required Navesink and/or the appropriate owner of real property to convey certain deeds and easements to the Borough, as a condition of approval; and

WHEREAS, in connection with said Board approval, Pulte, the owner of the subject real property, desires to convey to the Borough the following easement over a portion of Block 101, Lot 27.02:

- Deed of Sight Triangle Easement for Block 101, Lot 27.02

WHEREAS, the Borough Engineer has determined that it would be appropriate for the Borough to accept the easements and deeds, in a form acceptable to the Borough Attorney and the Engineer;

WHEREAS, the Governing Body has determined that it would be appropriate for the Borough to accept the easements and deeds, in a form acceptable to the Borough Attorney and the Engineer; and

NOW THEREFORE BE IT ORDAINED by the Governing Body of the Borough of Highlands as follows:

(1) The Borough hereby accepts the following deed and easement, in a form acceptable to the Borough Attorney and Borough Engineer, from Pulte Homes of N.J.:

- Deed of Sight Triangle Easement for Block 101, Lot 27.02

(2) The Mayor, Clerk, and such other Borough officials as may be required, are hereby authorized to accept and execute the deeds and easements on behalf of the Borough. The fully-executed deeds and easements shall be recorded, as appropriate.

(3) SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

(4) REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

(5) EFFECTIVE DATE. This Ordinance shall take effect after final passage as provided by law.

Seconded by Ms. Ryan and introduced on the following roll call vote:

ROLL CALL:

AYE: Mr. Card, Ms. Kane, Ms. Ryan, Mr. Redmond
NAY: None
ABSENT: Mayor Nolan
ABSTAIN: None

DATE: May 20, 2015

Carolyn Cummins, Borough Clerk

I hereby certify this to be a true copy of Ordinance O-15-7 adopted by the Governing Body of the Borough of Highlands on May 20, 2015.

Borough Clerk/Deputy Clerk