

**Borough of Highlands
Public Notice**

Please take notice that the following Ordinance was adopted on final consideration at the meeting of the Mayor and Council of the Borough of Highlands held on Wednesday, February 18, 2015. Copies of the Ordinance are available free of charge in the office of the Borough Clerk located at 42 Shore Drive, Highlands, N.J. between the hours of 8:30 a.m. and 4:30 p.m. Monday through Friday. Copies are also available on the Borough's website www.highlandsnj.us.

**O-15-5
Borough of Highlands
County of Monmouth**

**AN ORDINANCE ACCEPTING VARIOUS DEEDS AND EASEMENTS FROM
NAVESINK CAPITAL PARTNERS, LLC AND SANDY HOOK DEVELOPERS, LLC
FOR BLOCK 101, LOT 27.02 AND LOT 27.03**

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 residential development on real property, including upon Block 101, Lot 27.02 and Lot 27.03; and

WHEREAS, Navesink is the owner of Block 101, Lot 27.02 and Sandy Hook Developers, LLC ("Sandy Hook") is the owner of Block 101, Lot 27.03; and

WHEREAS, Resolution No. PB#2013-3 required Navesink and Sandy Hook to convey certain deeds and easements to the Borough, as a condition of approval; and

WHEREAS, in connection with said Board approval, Navesink and Sandy Hook, the owners of the property, desire to convey to the Borough the following easements over a portion of Block 101, Lot 27.02 and Lot 27.03:

- Deed of Sight Triangle Easement for Block 101, Lot 27.02
- Stormwater Easement for Block 101, Lot 27.02
- Sanitary Sewer and Stormwater Easement for Block 101, Lot 27.03
- Sanitary Sewer Easement for Block 101, Lot 27.03
- Stormwater Easement for Block 101, Lot 27.03 (2,893 sq. ft., .07 acres)
- Stormwater Easement for Block 101, Lot 27.03 (724 sq. ft., .02 acres)

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 deeds and easements, in a form acceptable to the Borough Attorney and Borough Engineer, from Navesink and Sandy Hook:

- Deed of Sight Triangle Easement for Block 101, Lot 27.02
- Stormwater Easement for Block 101, Lot 27.02
- Sanitary Sewer and Stormwater Easement for Block 101, Lot 27.03
- Sanitary Sewer Easement for Block 101, Lot 27.03
- Stormwater Easement for Block 101, Lot 27.03 (2,893 sq. ft., .07 acres)
- Stormwater Easement for Block 101, Lot 27.03 (724 sq. ft., .02 acres)

(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.