

ORDINANCE 2020-01

**AN ORDINANCE OF THE BOROUGH OF BAY HEAD,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AUTHORIZING THE EXECUTION OF THE DEED OF
DEDICATION AND PERPETUAL PUBLIC ACCESS
EASEMENT**

WHEREAS, the Borough is the owner or easement holder of certain tracts of land identified as public accessways to tidal waterways; and

WHEREAS, as part of the to the Municipal Public Access Plan, which the Borough is required to file with the New Jersey Department of Environmental Protection, the Borough identified several public access ways to tidal waterways, and is required by NJDEP rules to dedicate the lands via a Perpetual Public Access Easement; and

WHEREAS, the Borough wishes to grant a perpetual deed of easement, a copy of which is attached hereto and made a part hereof as "Schedule A," across the subject property to the State of New Jersey.

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

SECTION 1. That the governing body does hereby authorize the dedication of a Deed of Dedication and Perpetual Public Access Easement to the State of New Jersey attached hereto as Schedule "A."

SECTION 2. That the Mayor and the Municipal Clerk are hereby authorized to execute and attest to, respectively, any and all documents necessary to facilitate the transfer of the above-mentioned easement in a form acceptable to the Borough Attorney.

SECTION 3. All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

SECTION 4 If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be 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 hereof.

SECTION 6. This ordinance shall take effect after second reading and publication as required by law.

ATTEST :

APPROVED :

Patricia M. Applegate, Municipal Clerk

William W. Curtis, Mayor

Introduced on First Reading:

February 3, 2020

Introduced on Second Reading:

March 2, 2020

Approved on Second Reading:

March 2, 2020

ATTEST:

APPROVED:

Patricia M. Applegate, Municipal Clerk

William W. Curtis, Mayor