

ORDINANCE # -2022

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE
BOROUGH OF KEYPORT, COUNTY OF MONMOUTH,
STATE OF NEW JERSEY, AUTHORIZING A BOUNDARY
LINE AND ACCESS AGREEMENT WITH 149 W. FRONT
STREET, LLC**

WHEREAS, the Borough of Keyport (the “**Borough**”) is a municipal corporation of the State of New Jersey; and

WHEREAS, the Borough is the owner of certain parcels of real property commonly known as Lots 20, 21 and 22 within Block 21.02, as indicated on the tax maps of the Borough, and more particularly as indicated and described in the accompanying Boundary Line and Access Agreement (“Agreement”) appended hereto as Exhibit A (such parcels of real property hereafter the “Borough Property”); and

WHEREAS, 149 W. Front Street, LLC (“149WFS”) took title to certain parcels of real property commonly known as Lots 15, 16, 17, 18 and 19 in Block 21.02 on the tax maps of the Borough of Keyport, and more particularly as indicated and described in the accompanying Agreement appended hereto as Exhibit A (such parcels hereafter the “149WFS Property”); and

WHEREAS, subsequent to the conveyance of title of the 149WFS Property into 149WFS, it became clear to the respective parties (the Borough and 149WFS) that there were ambiguities in the public record with respect to the boundary line and demarcation between Block 21.02, Lots 19 and 20, which are owned respectively by 149WFS and the Borough, among other things; and

WHEREAS, in order to rectify and address the forgoing concerns, and other matters, the Borough and 149WFS desire to enter into the Agreement appended hereto as Exhibit A, in order to resolve any and all uncertainty and/or ambiguity which may, might, or could exist regarding the correct boundary line between the Borough Property and the 149WFS Property, and to address other matters as set forth in the said Agreement; and

WHEREAS, in connection with the Agreement, the Borough also desires to convey to 149WFS an access easement providing pedestrian and vehicular ingress and egress between the paved access way adjoining the western curb line of the island between the two parking lots, all as depicted on the ARH Survey appended to the Agreement and set forth therein; and

WHEREAS, the Borough is hereby desirous of adopting this Ordinance to approve the said Agreement, all as aforesaid.

NOW, THEREFORE, BE IT ORDAINED, by the Municipal Council of the Borough of Keyport, in the County of Monmouth and State of New Jersey, as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.

2. The Borough Council hereby approves of the Borough entering into the aforementioned Boundary Line and Access Agreement with 149 West Front Street, LLC.

3. The Mayor (along with such other necessary Borough personnel) be and hereby are authorized and directed to execute the Boundary Line and Access Agreement substantially in the form as attached hereto as Exhibit A, subject to such additions, deletions, modifications or amendments deemed necessary by Borough Administration in consultation with the Borough Attorney.

4. A copy of this Ordinance and the Boundary Line and Access Agreement shall be available for public inspection at the offices of the Borough Clerk. The Boundary Line and Access Agreement shall also be recorded in the public land records of the County of Monmouth following its full approval and execution by both the Borough and 149WFS.

5. This Ordinance shall take effect twenty (20) days after its final passage by the Borough Council, upon approval by the Mayor, and following publication as required by law.

Introduced: May 3, 2022
Public Hearing: June 21, 2022
Adopted:

Michele Clark, RMC
Borough Clerk
Borough of Keyport

Collette J. Kennedy, Mayor
Borough of Keyport

EXHIBIT A

Boundary Line and Access Agreement