

RESOLUTION No. 112-2016
**AUTHORIZING THE BOROUGH OF SEA BRIGHT TO EXECUTE A MANAGEMENT
AND USE AGREEMENT WITH THE STATE OF NEW JERSEY, DEPARTMENT OF
ENVIRONMENTAL PROTECTION, DIVISION OF PARKS AND FORESTRY FOR
THE "ANCHORAGE PROPERTIES"**

Councilmember Leckstein introduced and offered for adoption the following resolution; seconded by Councilmember Kelly:

WHEREAS, the State Of New Jersey, Department Of Environmental Protection, Division Of Parks And Forestry ("the Department") owns certain property identified as Block 24, Lots 1, 1.01, and 1.02, on the tax map of Sea Bright Borough, Monmouth County (the "River Property") consisting of approximately 1 acre; and

WHEREAS, the Department also owns certain property almost directly across Route 36 (a/k/a Ocean Avenue) from the River Property, identified as Block 23, Lot 11 on the tax map of Sea Bright Borough, Monmouth County (the "Ocean Property"), consisting of approximately 2.4 acres; and

WHEREAS, the Properties have significant environmental and open space attributes which provide public access to both the Shrewsbury River and the Atlantic Ocean; and

WHEREAS, the Department's Division of Parks and Forestry has accepted assignment of the Properties as part of Leonardo State Marina, but the Division does not maintain an adjacent or nearby park; and

WHEREAS, the Borough is uniquely suited to assume the administration, management, monitoring and maintenance (collectively "management") responsibilities for the Properties on behalf of the Department and in accordance with all applicable statutes and regulations in effect on or after the date of this Agreement; and

WHEREAS, the Department, through its Office of Engineering and Construction, Coastal Engineering Unit entered an agreement with the Borough in 1992 ("1992 Agreement") under which the Borough assumed management of the Ocean Property; and

WHEREAS, the Ocean Property has improvements on it such as a parking lot, a bathhouse, and a ticket pavilion or booth, and said improvements have been maintained by the Borough; and

WHEREAS, because of the proximity of the River Property to the Ocean Property, the Parties intend that the Borough shall manage the River Property and the Ocean Property under a single management agreement; and

WHEREAS, the 1992 Agreement with the Borough to manage the Ocean Property shall be terminated upon execution of this Agreement; and

WHEREAS, the Parties are interested in preserving the Properties and are committed to enhancing the Properties for public access and outdoor recreation as set forth in this Agreement; and

WHEREAS, the Parties wish to set forth the rights and obligations of each party concerning management of the Properties.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, as follows:

1. The 1992 Agreement between the Department's Office of Engineering and Construction, Coastal Engineering Unit, then known as the Department of Environmental Protection and Energy's Division of Engineering and Construction, is hereby revoked pursuant to Paragraph 4 of the 1992 Agreement.
2. The term of this Agreement shall be for twenty (20) years from the date of its execution.
3. During the term of this Agreement, the Borough agrees, at its sole expense, to manage the Properties in accordance with this Agreement and the Interim or Final Management Plan required under this Agreement.
4. The Mayor and Municipal Clerk are hereby authorized and empowered to execute the Management and Use Agreement with the State Of New Jersey, Department Of Environmental Protection, Division Of Parks And Forestry and to effectuate all of the terms and conditions set forth therein and take any and all other actions necessary in connection therewith.

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the following:

1. JIF Representative
2. Rich Boornazian, Assistant Commissioner, Natural and Historic Resources
3. Chief of Police
4. CFO

Roll Call: Bills, Keeler, Kelly, Lamia, Leckstein, Rooney
absent Yes Yes Yes Yes absent

July 14, 2016

CERTIFICATION

I, Christine Pfeiffer, do hereby certify that the foregoing is a Resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey at a Council meeting held on July 14, 2016.


Christine Pfeiffer, Borough Clerk