

**ORDINANCE #1101**

**AN ORDINANCE OF THE BOROUGH OF OCEANPORT, COUNTY OF MONMOUTH, STATE OF NEW JERSEY AUTHORIZING AN EASEMENT AGREEMENT WITH NETFLIX, INC. FOR THE RELOCATION OF OSPREY NESTS ON BOROUGH PROPERTIES**

**WHEREAS**, under the Local Land and Buildings Law, N.J.S.A. 40A:12-1 et. seq., the Borough of Oceanport (the "Borough") is authorized to convey any interest in real property , including an easement interest, through the adoption of an ordinance; and

**WHEREAS**, Netflix, Inc. ("Netflix") Netflix is the contract purchaser of certain parcels of real property located in Oceanport and Eatontown from the Fort Monmouth Economic Revitalization Authority ("FMERA") pursuant to a Purchase and Sale Agreement and Redevelopment Agreement dated January 13, 2023, ( (the "Mega Parcel")in order to to construct and develop a sustainable and integrated film studio campus (the "Project"); and

**WHEREAS**, Netflix is obligated to relocate certain osprey nests that are currently located on the Mega Parcel (collectively, the "Existing Osprey Nests") to one or more off-site locations within the Borough or locations outside the Borough which the New Jersey Department of Environmental Protection has approved (the "Avian Mitigation Plan"); and

**WHEREAS**, the Borough is the fee owner of certain parcels of real property identified on Exhibit A to the Easement Agreement (the "Borough Parcels") that are appropriate alternative sites to which some or all of the Existing Osprey Nests located on the Mega Parcel may be relocated, and it has requested that the Borough enter into an Easement Agreement which would allow for the construction and installation of new osprey nests on the Borough Parcels in furtherance of the NJDEP approved Avian Mitigation Plan.

**WHEREAS**, the Borough Council believes it is in the best interest of the Borough to authorize the Easement Agreement with Netflix to allow for the implementation of the Avian Mitigation Plan to further the development of the Project on the Mega Parcel.

**NOW, THEREFORE, BE IT ORDAINED**, by the Borough Council of the Borough of Oceanport, County of Monmouth and State of New Jersey, that it hereby approves the Easement Agreement with Netflix, Inc. for the Borough Parcels for and Netflix, Inc. is authorized to construct and install osprey nests on the Borough properties identified herein in accordance with the terms and conditions of the Easement Agreement.

**BE IT FURTHER ORDAINED** the Mayor is authorized to execute the Easement Agreement in a form approved by the Borough Attorney.

**IT IS FURTHER ORDAINED**, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

**IT IS FURTHER ORDAINED** that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

**IT IS FURTHER ORDAINED** that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

**APPROVED ON FIRST READING**  
DATED: August 15, 2024

**APPROVAL BY THE MAYOR ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2024**

**ADOPTED ON SECOND READING**  
DATED: September 19, 2024

**THOMAS J. TVRDIK**  
**Mayor**

JEANNE SMITH  
Clerk of the Borough of Oceanport