

RESOLUTION
of the
BOROUGH OF NEW PROVIDENCE
Resolution No. 2018-167

Council Meeting Date: 06-25-2018

Date Adopted: 06-25-2018

TITLE: RESOLUTION AUTHORIZING MEMORANDUM OF AGREEMENT AND EASEMENT AGREEMENT WITH RESPECT TO 39 CLINTON AVENUE, BLOCK 63, LOTS 7 AND 8

Councilperson Kapner submitted the following resolution, which was duly seconded by Councilperson Geoffroy.

BE IT RESOLVED by the Mayor and Borough Council of the Borough of New Providence, in the County of Union and State of New Jersey, that they do hereby approve and authorize a Right-of-Way Use Agreement with respect to 39 Clinton Avenue, Block 63, Lots 7 and 8 in the Borough of New Providence, in the forms attached hereto, and they do further authorize and direct the Mayor and Borough Clerk to execute same on behalf of the Borough of New Providence.

APPROVED, this 25th day of June, 2018.

RECORD OF VOTE

	AYE	NAY	ABSENT	NOT VOTING
GENNARO	X			
GEOFFROY	X			
KAPNER	X			
MADDEN			X	
MUÑOZ			X	
ROBINSON	X			
MORGAN			TO BREAK COUNCIL TIE VOTE	

I hereby certify that the above resolution was adopted at a meeting of the Borough Council held on the 25th day of June, 2018.

Wendi B. Barry, Borough Clerk

A G R E E M E N T

THIS AGREEMENT is made this ____ day of _____, 2018 by Bryan Ayars (hereinafter "Ayars"), 39 Clinton Avenue, New Providence, New Jersey, and the Borough of New Providence (hereinafter "the Borough"), 360 Elkwood Avenue, New Providence, New Jersey.

WHEREAS, Ayars has requested permission to install underground utilities from a utility pole in front of his property to his home as depicted on the attached diagram which is Schedule A; and

WHEREAS, the installation of the underground utilities will cross a right-of-way held by the Borough; and

WHEREAS, Ayars needs the permission of the borough to install the underground utilities across the right-of-way; and

WHEREAS, the Borough has determined that such installation will not impede or otherwise affect their right-of-way;

The Borough does hereby agree to allow Ayars to install underground utilities across their right-of-way on the property known as 39 Clinton Avenue in accordance with the diagram attached as Schedule A;

IT IS FURTHER AGREED that the permission granted by the Borough is conditioned upon the agreement of Ayars that in the event the Borough, as the holder of the right-of-way, requires removal, remediation or any other action by Ayars or any other individual succeeding to his rights with regard to the infringement or encroachment of the underground utility services, he will take any and all required action to move, remove or otherwise effect relocation if necessary of the underground utilities as may be required by the Borough. Ayars will take such action within 30 days of receipt of written notice from the Borough as to Borough's requirements. In the event he fails to take such action, the Borough reserves its right to effect such action, the cost of which will be the legal obligation of Ayars and will constitute a lien which may be filed with the Clerk of Union County against the property of Ayars or any individual succeeding to his rights.

Ayars acknowledges that he will still be required to comply with any and all ordinances, regulations, laws and other standards as may be necessary and applicable to the construction or placement of the underground utilities.

The parties hereto acknowledge and consent to this agreement being recorded in the Office of the Union County Clerk, and Ayars shall bear the expense of same.

WITNESS:

BOROUGH OF NEW PROVIDENCE

By: _____

Bryan Ayars

