



BOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

RESOLUTION 18-201

RESOLUTION AUTHORIZING EXECUTION OF AN ENCROACHMENT AGREEMENT FOR BLOCK 119, LOT 11

WHEREAS, the Zoning Officer has made the determination that a staircase/segmental block retaining wall which provides access to 11 Waddell Street, also known as Block 119, Lot 11 on the tax map of the Borough of Highlands, encroaches into the Borough's Right of Way; and

WHEREAS, the homeowner would find it inconvenient to remove this staircase/segmental block retaining wall from the Borough's Right of Way; and

WHEREAS, in order to resolve this issue concerning the aforesaid encroachment, the Borough is agreeable to allowing the staircase/segmental block retaining wall to remain on its easement, provided the homeowner indemnifies, defends and holds the Borough harmless from any damages which may occur as a result of the homeowners encroachment into the Borough's easement and further agrees to bear any and all costs should the Borough need to move the structure in order to exercise its use of the easement; and

WHEREAS, in accordance with the terms of the aforesaid Encroachment Agreement, the Borough reserves its rights to use the easement at any time, and under any conditions; and

WHEREAS, in accordance with the terms of the aforesaid Encroachment Agreement, it shall be the responsibility of the homeowner to maintain the easement and staircase/segmental block retaining wall in a neat and safe condition.

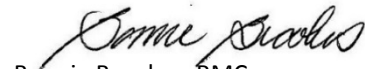
NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Highlands, that the Mayor, Borough Clerk and/or Borough Administrator be and are hereby authorized to execute an Encroachment Agreement with the property owners of 11 Waddell Street, also known as Block 119, Lot 11 on the tax map of the Borough of Highlands, as prepared by the Borough Attorney and approved by the Borough Attorney and Borough Engineer.

BE IT FURTHER RESOLVED by the Mayor and Council of the Borough of Highlands, that true copies of the Encroachment Agreement with the property owners of 11 Waddell Street, also known as Block 119, Lot 11 on the tax map of the Borough of Highlands, will be kept on file at the office of the Borough Clerk.

MOTION to Approve Resolution 18-193:

	INTROUCED	SECONDED	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
BROULLON		X	X			
D'ARRIGO			X			
RYAN	X		X			
O'NEIL			X			

I, Bonnie Brookes, Municipal Clerk of the Borough of Highlands, in the County of Monmouth, State of New Jersey, hereby certify this to be a true copy of the action of the Governing Body, at its Council Meeting, held September 20, 2018 WITNESS my hand this 21st day of September 2018.



Bonnie Brookes, RMC
Municipal Clerk