



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## **RESOLUTION 21-218**

### **RESOLUTION AUTHORIZING EXECUTION OF A MEMORANDUM OF AGREEMENT BETWEEN THE BOROUGH OF HIGHLANDS AND ARGIRIS AND ANDROULA SERGHIS REGARDING BOUNDARY LINE ADJUSTMENTS BETWEEN BLOCK 101, LOT 4 AND BLOCK 101, LOT 3**

**WHEREAS**, Argiris and Androula Serghis (“Serghis”) are the owners of property located at Block 101, Lot 4 in the Borough of Highlands, also known as 60 Mathews Street (the “Serghis Property”); and

**WHEREAS**, the Borough of Highlands (the “Borough”) is the owner of property located at Block 101, Lot 3 in the Borough of Highlands (the “Borough Property”), which is adjacent to the Serghis Property; and

**WHEREAS**, the Serghis Property contains a multi-family home with attached, elevated, deck and associated concrete pad that has encroached onto the Borough Property since at least 1977 (the “Encroachment”); and

**WHEREAS**, portions of additional concrete encroaching further onto the Borough Property will be removed by Serghis in accordance with the terms of the Memorandum of Agreement; and

**WHEREAS**, Serghis obtained a written easement over the Borough Property from a predecessor in title to the Borough by way of easement agreement dated December 10, 1999 and recorded on December 16, 1999 at DB 5897, Page 638 *et seq.* which allows for the use of the encroachment area and ingress, egress, repair, and maintenance of the same (the “Easement”); and

**WHEREAS**, the Easement area totals approximately 2,107 square feet; and

**WHEREAS**, the Borough Property is designated on the Borough’s Recreation and Open Space Inventory, and any diversion of such land could require an application to, and approval of, the New Jersey Department of Environmental Protection (“DEP”) as a minor diversion of parkland; and

**WHEREAS**, since the portion of the Borough Property in question is less than the minimum size required for development, since the Borough does not maintain any capital improvements on the land and since Serghis is the only contiguous property owner, the portion of the Borough Property can be sold at a private sale pursuant to N.J.S.A. 40A:12-13(b)(5); and

**WHEREAS**, Serghis wishes to acquire a portion of the Easement area from the Borough at the agreed-upon fair market value of \$20,000, together with a reconfirmation of the remaining

portion of the Easement not acquired by Serghis to be more particularly described in the Memorandum of Agreement; and

**WHEREAS**, the parties wish to apply to the DEP for approval of the diversion of the portion of Borough Property with the cost of such application and associated fees being paid by Serghis, and if approved, either subdivide and proceed with the sale of the portion of the Borough Property to Serghis, or effectuate the transfer through any other procedural means that the parties may agree upon.

**NOW, THEREFORE, BE IT RESOLVED** by the governing body of the Borough of Highlands, that the Mayor and Borough Administrator be and are hereby authorized to execute a Memorandum of Agreement between the Borough of Highlands and Argiris and Androula Serghis outlining the terms and conditions of the Agreement, in a form to be reviewed and approved to the Borough Attorney.

**BE IT FURTHER RESOLVED**, that the Mayor and Borough Administrator are authorized to undertake such acts as are reasonable and necessary to accomplish the purpose of this Resolution.

Motion to Approve R-21-218:

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
MARTIN			X			
MAZZOLA			X			
MELNYK			X			
OLSZEWSKI		X	X			
BROULLON	X		X			

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF VOTE: November 10, 2021



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Michelle Hutchinson, Municipal Clerk  
Borough of Highlands