



**Kearny Town Council**  
402 Kearny Avenue  
Kearny, NJ 07032  
**ADOPTED**  
**RESOLUTION 2018-283**

DOC ID: 8875

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**(\*) Resolution Granting Permission to Encroach Upon the Sidewalk within the Town Right of Way at 153 Johnston Avenue, Corner of Devon Street – Block 13, Lot 28 for the Purpose of Abandoning an Underground Oil Storage Tank.**

**WHEREAS, Lombardo Environmental, Inc., 72 Bushes Lane, Elmwood Park, New Jersey 07407 as agent for R&A Dreams, LLC,** has requested permission of the Mayor and Council to encroach upon the Town right of way at **153 Johnston Avenue, Block 13, Lot 28** for the purpose of **abandoning an underground oil storage tank under the sidewalk on Devon Street;** and

**WHEREAS,** the Town Engineer has advised that there is no engineering reason why permission could not be granted with the usual restrictions; now, therefore, be it

**RESOLVED** by the Mayor and Council of the Town of Kearny, Hudson County that:

1. The aforesaid recitals are incorporated herein as through full set forth at length.
2. A right and license be and is hereby granted to the said **Lombardo Environmental Inc.** to encroach upon the sidewalk in the Town right of way at **153 Johnston Avenue, corner of Devon Street, Block 13, Lot 28** in the Town of Kearny for the purpose of abandoning an underground oil storage tank, subject however, to the following conditions:
  - a. The sidewalk must be replaced within seven (7) working days.
  - b. The said right and license shall be revocable at any time by resolution of the governing body of the Town of Kearny.
  - c. In the event the said sidewalk is not replaced within seven (7) working days, after written notice advising the owner to restore the public right of way to its former condition is served upon the owner, the Town may repair the sidewalk and charge the costs to the owner; and
  - d. The said owner shall comply with all applicable federal, state and municipal laws, ordinances and regulations, including but not limited to those applicable to the abandonment of the tank.
3. The Mayor and Council be and is hereby authorized to execute any and all documents and to take any and all actions necessary to complete and realize the intent and purpose of this Resolution.
4. Said right and license shall be conditioned on said owner's written agreement to indemnify, defend and hold the Town of Kearny harmless against liability for any and all claims for damage to property or injury to persons arising out of or resulting from issuance of said license, the owner's use of the property and the continued existence of the abandoned underground tank.
5. This Resolution shall take effect immediately.

Tony Chisari  
**ADOPTED: May 9, 2018**

I hereby certify that the foregoing resolution was adopted by the Council on **May 9, 2018**.

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**PATRICIA CARPENTER**  
TOWN CLERK

<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Carol Jean Doyle, Council Member
<b>SECONDER:</b>	Alberto G. Santos, Mayor
<b>AYES:</b>	Doyle, Landy, McCurrie, Eckel, Cardoso, DeCastro, Santana, Santos
<b>ABSENT:</b>	Richard Konopka