



Kearny Town Council
402 Kearny Avenue
Kearny, NJ 07032
ADOPTED
RESOLUTION 2018-305

DOC ID: 9972

(*) Resolution Authorizing Permission to Encroach Upon Town Right of Way at 23 Grove Street, Block 65, Lot 27, for the Purpose of Removing Two (2) Underground Storage Tanks (USTs).

WHEREAS, Environmental Management Associates, Inc., 5303 Route 33/34, Farmingdale, NJ 07727, has requested permission of the Mayor and Council to encroach upon the Town right of way at **23 Grove Street, Block 65, Lot 27**, in the Town of Kearny, **for the purpose of removing two (2) underground storage tanks; 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, in the County of Hudson, that:

1. The aforesaid recitals are incorporated herein as though fully set forth at length.
2. A right and license be and is hereby granted to the said **Environmental Management Associates, Inc., 5303 Route 33/34, Farmingdale, NJ 07727**, to encroach upon the Town right of way at **23 Grove Street, Block 65, Lot 27**, in the Town of Kearny, for the purpose of removing two (2) underground storage tanks, 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 other applicable laws, ordinances and regulations of the State and the Town of Kearny in connection therewith.
3. The Mayor and Town Clerk be and are 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 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 and owner's use of the property.
5. This Resolution shall take effect immediately.

Tony Chisari

ADOPTED: May 22, 2018

I hereby certify that the foregoing resolution was adopted by the Council on **May 22, 2018**.

PATRICIA CARPENTER
TOWN CLERK

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