

**BOROUGH OF RED BANK**

**COUNTY OF MONMOUTH**

**RESOLUTION NO. 08-157**

**RESOLUTION AUTHORIZING THE MAYOR AND THE BOROUGH CLERK TO EXECUTE A RIGHT OF ACCESS AGREEMENT WITH THE BOARD OF EDUCATION OF THE BOROUGH OF RED BANK IN ORDER TO PERFORM CERTAIN REPAIRS AND UPGRADES TO THE PUMP STATION ADJACENT TO THE RED BANK PRIMARY SCHOOL**

Ms. Horgan offered the following resolution and moved its adoption:

**WHEREAS**, the Board of Education owns the property known as the Red Bank Primary School, located at Block 71, Lot 5; and

**WHEREAS**, the Borough of Red Bank is the beneficiary of a twenty by forty foot easement at the southeastern corner of the Property upon which exists a pump station and associated equipment, such easement having been recorded with the Monmouth County Clerk at Book 3736, p. 612; and

**WHEREAS**, The Borough is seeking to make certain repairs and upgrades to that pump station and therefore seeks temporary access to the Board's property to a distance of roughly ten feet surrounding the current easement, as more particularly described in the "Description of a Temporary Working Easement Located Within Lot 5 in Block 71, Borough of Red Bank" prepared by Richard A. Moralle, P.E., P.L.S. and dated May 12, 2008, (hereinafter, "the temporary access area") which description is incorporated by reference herein; and

**WHEREAS**, the Board of Education is willing to permit such temporary access provided it receives assurance that the Borough will indemnify and hold the Board harmless from any liability arising out of the Borough's activities on or within the temporary access area.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Red Bank that the Mayor and Borough Clerk are hereby authorized to execute a Right of Access Agreement with Board of Education in the form annexed hereto; and

**BE IT FURTHER RESOLVED** that the Right of Access Agreement shall be subject to review and approval by the Borough Attorney and the Borough Engineer; and

**BE IT FURTHER RESOLVED** that the Borough Clerk shall forward Certified Copies of this Resolution to the Board of Education of the Borough of Red Bank and to the Borough Engineer.

Seconded by Ms. Cangemi and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Mr. Murphy	( x )	(   )	(   )	(   )
Ms. Lee	( x )	(   )	(   )	(   )
Mr. DuPont	(   )	(   )	(   )	( x )
Ms. Cangemi	( x )	(   )	(   )	(   )
Ms. Horgan	( x )	(   )	(   )	(   )

Dated: July 28, 2008