

**BOROUGH OF RED BANK  
COUNTY OF MONMOUTH**

**RESOLUTION NO. NP23-60**

**RESOLUTION AUTHORIZING THE SETTLEMENT OF LITIGATION  
PENDING BEFORE THE SUPERIOR COURT OF NEW JERSEY ENTITLED  
DIANE JOY REALTY v. BOROUGH OF RED BANK, DOCKET NO. MON-C-53-22**

**WHEREAS**, on April 28, 2022, Diane Joy Realty ("Plaintiff") filed a lawsuit against the Borough of Red Bank, County of Monmouth, State of New Jersey (the "Borough"), seeking a declaratory judgment that Plaintiff possessed certain rights to an easement across the Borough's White Street parking lot for the purposes of ingress and egress to Plaintiff's business property; and

**WHEREAS**, in consultation with the Borough Engineer and the Borough Attorney, and after reviewing the nature of Plaintiff's recorded easement, the Borough finds that an amicable resolution of Plaintiff's lawsuit is in the best interests of all parties; and

**WHEREAS**, Plaintiff and the Borough have agreed to settle Plaintiff's lawsuit upon such terms and conditions as are contained in the Settlement Agreement attached hereto as Exhibit A;

**NOW, THEREFORE, BE IT RESOLVED**, by the Governing Body of the Borough of Red Bank, County of Monmouth, State of New Jersey as follows:

1. That the Governing Body authorizes the full and final settlement of Diane Joy Realty v. Borough of Red Bank, Docket No. MON-C-53-22, and directs the Borough Interim Manager to administratively execute the Settlement Agreement attached hereto as Exhibit A; and
2. That the Governing Body does hereby authorize the payment of \$15,000.00 to Diane Joy Realty, Esq. in full and final settlement of Diane Joy Realty v. Borough of Red Bank, Docket No. MON-C-53-22; and
3. That a certified copy of this resolution be forwarded to the Chief Financial Officer, Borough Administrator, Borough Attorney, Borough Clerk, and Diane Joy Realty.

	MOVED	SECONDED	AYES	NAYS	ABSTAIN	ABSENT	<p>I hereby certify that the above Resolution was adopted by the Borough Council of the Borough of Red Bank, In the County of Monmouth at a Meeting held on July 27, 2023.</p> <p style="text-align: right;"><i>Bonnie K. Thomas</i> Bonnie K. Thomas, Deputy Borough Clerk</p>
Councilmember Bonatakis		x	x				
Councilmember Cassidy			x				
Councilmember Facey-Blackwood			x				
Councilmember Forest	x		x				
Councilmember Jannone			x				
Councilmember Triggiano			x				
Mayor Portman			x				
<b>ON CONSENT AGENDA</b>	Yes			No x			