

BOROUGH OF RED BANK

COUNTY OF MONMOUTH

RESOLUTION NO. 13-218

**RESOLUTION AUTHORIZING THE EXECUTION OF LICENSING AGREEMENT BETWEEN
THE BOROUGH OF RED BANK AND THE COMMUNITY YMCA**

Mr. Zipprich offered the following resolution and moved its adoption:

WHEREAS, the Community YMCA filed an application with the Red Bank Zoning Board of Adjustment to construct a Playground on its property located at 166 Maple Avenue, Block 75.02, Lots 125.02, 135, 139.01 and 140; and

WHEREAS, the Borough's Zoning Officer review of the application determined that the proposed playground would be located in a Borough Right of Way and that the approval of the Governing Body would be required to construct the playground within the right-of-way; and

WHEREAS, the right of way had been dedicated to the Borough for future road improvements associated the possible re-direction State Highway 35 within the Borough; and

WHEREAS, right of way is currently unimproved and consists of a grassy area located on the YMCA property that that runs parallel to the New Jersey Transit Railroad line; and

WHEREAS, the Borough is not presently aware of any current or future plans to utilize the right of way as a roadway within the Borough or for any other purpose; and

WHEREAS, at the present time the right of way is not needed or being used for any public purpose by the Borough, nor does the Borough need access to the right-of-way for any purpose; and

WHEREAS, the YMCA has requested permission from the Borough to construct the playground within the right-of-way; and

WHEREAS, the Borough and the YMCA wish to memorialize the YMCA's use of the right-of-way in written agreement.

NOW, THEREFORE, BE IT RESOLVED that the Council of the Borough of Red Bank hereby grants the request of the YMCA to construct a playground within the Borough's right-of-way on the condition that the YMCA shall remove the playground at its sole cost and expense in the event that the Borough shall ever need the use of or access to the right-of-way for roadway improvements or for any other public purpose, and further subject to approval of the application by Zoning Board of Adjustment.

BE IT FURTHER RESOLVED by the Council of the Borough of Red Bank that the Mayor is authorized to execute a Licensing Agreement between the YMCA and the Borough of Red Bank that memorializes the terms of the YMCA's use of the right-of-way in the form attached hereto.

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

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

Dated: October 9, 2013