

**BOROUGH OF RED BANK**

**COUNTY OF MONMOUTH**

**RESOLUTION NO. 12-35**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE  
A RIGHT OF ACCESS AGREEMENT WITH THE TEN COMPANY**

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

**WHEREAS**, The Ten Company is the owner of the property located at Block 46, Lot 4, 29-35 White Street which previously housed a dry cleaning business and is undergoing an environmental investigation; and

**WHEREAS**, the New Jersey Department of Environmental Protection is requiring an expanded investigation to ensure that contamination is not migrating off-site; and

**WHEREAS**, in order to conduct the expanded investigation, The Ten Company has requested permission from the Borough to access the property located at Block 31, Lot 2.01, 75-79 White Street and Block 31, Lot 4.01, Right-of-Way, both of which are owned by the Borough of Red Bank.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Red Bank that the Mayor is hereby authorized to execute a Right of Access Agreement with The Ten Company and/or its agents to conduct the expanded investigation on or about the Borough's property in the vicinity of Block 31, Lots 2.01 and 4.01 at The Ten Company's sole cost and expense.

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

**BE IT FURTHER RESOLVED** that the Borough Clerk shall forward Certified Copies of this Resolution to The Ten Company, 116 Tices Lane, Unit B1, East Brunswick, NJ 08816 and to the Borough Attorney.

Seconded by Mr. Zipprich 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: February 8, 2012