

Township of West Milford

Passaic County, New Jersey

~ Resolution 2023 – 393 ~

RESOLUTION OF THE TOWNSHIP OF WEST MILFORD, COUNTY OF PASSAIC AND STATE OF NEW JERSEY AUTHORIZING THE TOWNSHIP TO ENTER INTO A TEMPORARY LICENSE AGREEMENT WITH A TOWNSHIP PROPERTY OWNER

WHEREAS, within the Township of West Milford, the Owners of property located at 23 Mary Street, West Milford, NJ and designated as Block 11001, Lot 9 on the official Tax Map of the Township of West Milford (the “Property”); and

WHEREAS, the Owner’s require a septic system, with the intent to make the property their year-round home; and

WHEREAS, the only access to accomplish such renovation is on an existing trail through Township property designated as Block 11001 Lot 8 on the Township of West Milford Tax Maps; and

WHEREAS, the Owners seek to widen the existing trail so that the septic installation can be accomplished; and

WHEREAS, the septic system and the driveway for the Property have also been installed; and

WHEREAS, neighboring property owners have no objection; and

WHEREAS, the Township’s Engineering Department has reviewed the plans, approves the work as proposed and has no objection; and

WHEREAS, the Township is amenable to the Owner’s request for the betterment of the public’s health, safety and welfare; and

WHEREAS, the Owners herein agree to undertake all costs and further agree to maintain the expanded trail in perpetuity; and.

WHEREAS, the Township herein grants the Owners a license for improvement, access and continuing use of the Township’s trail upon its property as depicted by Owners as “the Mary Street Plan”; and

WHEREAS, the Governing Body desires to grant the Owners a license over the Township’s property subject to the improvement, access and continuing use of the Township’s trail upon its property as show in in Exhibit A on file in the Clerk’s Office.

NOW, THEREFORE, IN CONSIDERATION OF the sum of **ONE (\$1.00) DOLLAR**, and the mutual undertakings herein, the Licensor hereby gives, grants and conveys to the Licensee, a Temporary License for the purpose of permitting access and use of the Township’s right-of-way as further set forth and described herein and subject to the following conditions:

1. The Licensee shall be responsible for the maintenance of the area in question, as more fully depicted in the survey as “Exhibit B” on file in the Clerk’s Office. The granting of this temporary license does not preclude the Licensor’s rights from entering the subject portion of the right-of-way for any reason whatsoever, including emergency repairs and/or improvements to the right-of-way.

2. In further consideration of the temporary license, the Licensee agrees to save, hold and keep harmless and indemnify the Licensor from any and all claims and liability for losses or damage to property or injury to any persons caused by them or their agents occurring during and relating to this temporary license.
3. The Licensee shall furnish the Licensor with a Certificate of Insurance showing coverage for bodily injury and property damage to the satisfaction of the Township Attorney. The Certificate of Insurance must clearly indicate that the Township of West Milford is an additional insured on all liability policies and shall contain a ninety (90) day notice of cancellation to the Township.
4. The Licensor and Licensee each, binds himself, his partners, successors, assigns and legal representatives in respect to all covenants, agreements and obligations contained in this Agreement. This Agreement shall run with the land and may be enforceable by a subsequent owner of the Licensor or Licensee's property.
5. This temporary license agreement shall cease and be abandoned by either of the following: (a) the Licensee abandons the Property or (b) the Township declares an overriding need for public health, safety and welfare.
6. This Temporary License Agreement shall be recorded with the County of Passaic by the Licensor at the sole cost of the Licensee.

NOW THEREFORE, BE IT RESOLVED that the Mayor and Township Council of the Township of West Milford, in the County of Passaic, and State of New Jersey as follows:

1. The Mayor is hereby authorized and directed to execute said License Agreement, and to take all actions as necessary thereafter to effectuate its terms.
2. This Resolution, along with the Exhibit A and Exhibit B, shall be available for public inspection in the office of the Township Clerk.
3. This Resolution shall take effect immediately.

Adopted: October 18, 2023

Adopted this 18th day of October, 2023
And certified as a true copy of an original.

William Senande, Township Clerk