

RESOLUTION NO. 12-178

**AUTHORIZING AGREEMENT TO PERMIT A SHED WITHIN A DRAINAGE EASEMENT
LOCATED AT 609 JACKSON AVENUE, OWNERS OF PROPERTY KNOWN AS
STEVEN AND EILEEN SENZ**

WHEREAS, Steven G. Senz and Eileen J. Senz are the owners of property known as 609 Jackson Avenue, South Plainfield, New Jersey; and

WHEREAS, Mr. and Ms. Senz erected a shed on the northeast corner of their property, which is within a drainage easement held by the Borough; and

WHEREAS, the Borough has determined that the erection of said shed within its easement was inadvertent, and the Borough Engineer having made an investigation, and having determined that the shed does not impede drainage in the easement, and has no objection to it remaining in its present location; and

WHEREAS, Mr. and Ms. Senz have agreed that if, in the future, it is necessary for the shed to be removed, it will be removed at their expense;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of South Plainfield, County of Middlesex, State of New Jersey, that the Mayor of the Borough of South Plainfield is authorized to execute the attached agreement permitting Mr. and Ms. Senz to maintain their shed at 609 Jackson Avenue, South Plainfield, New Jersey within the drainage easement of the Borough conditioned upon the property owners agreeing to removal of said shed at their expense if same should be necessary in the future.

COUNCIL	MOTION	2 ND	AYES	NAYS	ABSTAIN	ABSENT	RECUSE
Councilman Barletta	x		x				
Councilman Bengivenga			x				
Councilman Frank			x				
Councilman McConville			x				
Councilman White		x	x				
Council President Rusnak			x				
VOTE:			6	0			
Mayor Anesh – TIE ONLY							

I do hereby certify that the foregoing is a true and exact copy of a Resolution adopted by the Mayor and Borough Council of South Plainfield Borough on June 18, 2012.

Amy Antonides, RMC/CMC
Municipal Clerk – South Plainfield Borough

AGREEMENT

This Agreement is dated June _____, 2012 between the BOROUGH OF SOUTH PLAINFIELD, having an address of 2480 Plainfield Avenue, South Plainfield, New Jersey 07080 (the "Borough"), to and in favor of STEVEN G. SENZ and EILEEN J. SENZ, having an address of 609 Jackson Avenue, South Plainfield, New Jersey 07080 (the "Property Owner").

The Property Owner is the current owner of real property located in the Borough of South Plainfield, Middlesex County, New Jersey known and designated on the Tax Assessment Map of the Borough of South Plainfield as Block 307, Lot 4 (the "Property"). The Property Owner has erected a shed on the northeast corner of the Property, within a drainage easement held by the Borough.

The Borough hereby consents to the erection, maintenance and/or replacement of the shed on the Property.

This consent is given based upon the representation of the Property Owner, and the agreement that in the event the Borough has a good faith reason or need to have the shed or any part thereof removed at any time in the future, such request will not be unreasonably denied, and the Property Owner will bear any and all expense related to such removal.

This Agreement shall be binding upon and shall inure to the benefit of the Borough and the Property Owner and their respective successors and assigns, including without limitation, all future owners of the Property. This Agreement may be recorded by either party.

This Agreement is the entire and only agreement between the parties. This Agreement replaces and cancels any previous agreement in writing signed by the parties.

All notices under this Agreement must be in writing. The notices must be delivered personally or mailed by certified mail, return receipt requested, to the other party at the address written in the Agreement.

BOROUGH OF SOUTH PLAINFIELD

Steven G. Senz

By: _____

Eileen J. Senz

