

RESOLUTION NO. 2016-89

**A RESOLUTION AUTHORIZING THE
TOWNSHIP OF ABERDEEN TO EXECUTE A TEMPORARY
RIGHT OF ENTRY AGREEMENT BETWEEN THE
TOWNSHIP OF ABERDEEN AND THE MONMOUTH
COUNTY BOARD OF RECREATION COMMISSIONERS**

WHEREAS, the Township of Aberdeen (the “Township”) is the owner of property designated as Block 39, Lot 1 on the official tax map of the Township of Aberdeen (the “Property”); and

WHEREAS, The Property is in a designated Redevelopment Areas and requires environmental remediation and in order to complete environmental remediation work the Township requires access to Henry Hudson Trail Right of Way; and

WHEREAS, the County of Monmouth is the lessee of certain real property known as Block 40, Lot 4, Aberdeen Township, owned by New Jersey Transit, being part of the Henry Hudson Trail (“Trail”); and

WHEREAS, the Property identified, is listed with the State of New Jersey Department of Environmental Protection (“NJDEP”) as a Brownfield site due to soil and groundwater contamination, which calls for the required remediation of contaminated soil along the Property; and

WHEREAS, the Township has contracted with the designated Redeveloper, RPM Properties who has retained Aberdeen Eviro, LLC one of their subsidiary entities to complete the environmental remediation work required in the site’s Remediation Action Work Plan as prepared by CME Associates; and

WHEREAS, though the work proposed shall not impact the actual paved section of the Trail, it shall be necessary to close and access sections of the Trail and the adjacent Right of Way; and

WHEREAS, the Township is responsible for obtaining any required permits for the remediation as well as permission from New Jersey Transit, as the owner of the Trail and

1939263-1

Right-of-Way and the Monmouth County Board of Recreation Commissioners the Lessee of the Trail;

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Township of Aberdeen, in the State of New Jersey, that it hereby approves and authorizes the execution of a exclusive Temporary Right of Entry Agreement between the Township and the Monmouth County Board of Recreation Commissioners for the purpose of accessing a portion of Monmouth County's and New Jersey Transit's property known as the Henry Hudson Trail, identified as Block 40, Lot 4 on the official tax map of the Township, to permit the remediation work on the Property as approved in form and substance by the Township Attorney, attached hereto as **Exhibit A**;

BE IT FURTHER RESOLVED that the Mayor and the Township Clerk are hereby authorized to execute any and all documents to effectuate this Agreement.

ATTEST:

ADOPTED:

KAREN A. VENTURA,
TOWN CLERK

FRED TAGLIARINI,
MAYOR