

RESOLUTION

WHEREAS, the Bel Air at West Orange Condominium Association, Inc. is a New Jersey corporation ("Bel Air") which association has homes located at or around Kelly Drive within the Township of West Orange; and

WHEREAS, Bel Air seeks the Township's consent to install animal deterrent devices (the "Devices") at its sole cost and expense along Kelly Drive, which is a Township-owned right-of-way; and

WHEREAS, the Devices are intended to deter animals from crossing roadways when vehicles approach; and

WHEREAS, the Devices are intended to promote the health, safety and welfare of the residents of the Association and the traveling public generally by preventing vehicular collisions with animals; and

WHEREAS, the consent sought by Bel Air is for the non-exclusive use of Kelly Drive for the purpose of owning, constructing, installing, operating, and maintaining the Devices; and

WHEREAS, the Township and Bel Air have agreed to a proposed Right-of-Way agreement, which is annexed hereto as Attachment "A" (the "Agreement"); and

WHEREAS, pursuant to the terms of the Agreement, Bel Air will name the Township as an additional insured with respect to the installation and maintenance of the Devices, and will indemnify and hold the Township harmless for any damage caused by the Devices; and

WHEREAS, the Township Engineering Department has reviewed the proposed Agreement; and

WHEREAS, the Municipality is empowered to enter into the Agreement in accordance with N.J.S.A. 48:17-10 through N.J.S.A. 48:17-12;

NOW, THEREFORE, BE IT HEREBY RESOLVED, that the Mayor shall be and hereby is authorized to execute the Agreement and any other documents necessary to effectuate the

Agreement with Bel Air, and the Municipal Clerk shall be and hereby is authorized to attest to the Mayor's signature; and be it further

RESOLVED that this contract shall be made available in the Clerk's Office for reasonable inspection in accordance with applicable law.

Karen J. Carnevale
Township Clerk

Victor Cirilo
Council President

Adopted: May 21, 2013