



BOROUGH OF HIGHLANDS  
COUNTY OF MONMOUTH

## **RESOLUTION 23-052**

### **AUTHORIZING THE EXECUTION OF A HOLD HARMLESS AND RELEASE AGREEMENT BETWEEN THE BOROUGH OF HIGHLANDS AND THE BAYVIEW CONDOMINIUM ASSOCIATION, INC.**

**WHEREAS**, The Bayview Condominium Association, Inc. is the owner of property known as Block 100, Lot 30.02, located on Shore Drive, in the Borough of Highlands, New Jersey (hereafter "Bayview Condominium Association's Property"); and

**WHEREAS**, the Borough of Highlands is the owner of property known as Block 101, Lot 3, located on Locust Street, (hereafter "Borough's Property"), which property is adjacent to Bayview Condominium Association's Property; and

**WHEREAS**, the Borough of Highlands is in the process of subdividing its property into four lots; and

**WHEREAS**, the Borough's survey reflects that a portion of Bayview Condominium Association's fence encroaches slightly onto the southeasterly portion of Borough's Property, but has been in that same location since at least 1999; and

**WHEREAS**, the Bayview Condominium Association disputes whether the fence is actually encroaching, and

**WHEREAS**, the Borough of Highlands hereby agrees not to take action to compel removal of the existing potential fence encroachment, so long as the Bayview Condominium Association agrees to hold the Borough harmless and indemnify it for any claim or injury resulting from the fence remaining in that location; and

**WHEREAS**, the Borough of Highlands and Bayview Condominium Association wish to enter into the attached Hold Harmless and Release Agreement wherein Bayview Condominium Association releases and forever discharges the Borough of Highlands, its officers, employees, former employees, agents, elected officials and attorneys, from and against any and all actual or alleged claims, demands, causes of action, suits, proceedings, liability, loss, damage and/or injury, arising out of or incident to the occupancy, control, use, and maintenance of the potential fence encroachment on the Borough of Highlands' property located at the southeasterly portion of Block 101, proposed Lot 3.01 (existing Lot 3).

**NOW, THEREFORE, BE IT RESOLVED**, that the governing body of the Borough of Highlands hereby authorizes the Mayor and Borough Clerk to execute a Hold Harmless and Release Agreement between the Borough of Highlands and The Bayview Condominium Association, Inc.

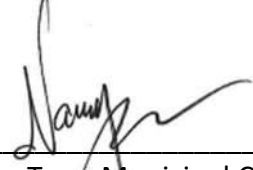
**BE IT FURTHER RESOLVED** that the Borough Clerk shall forward a certified copy of this Resolution to The Bayview Condominium Association, Inc., C/O DSV Property Management, 15 Bay Avenue, Highlands, New Jersey 07732.

Motion to Approve R 23-052:

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
CERVANTES			X			
CHELAK			X			
MELNYK		X	X			
OLSZEWSKI			X			
BROULLON	X		X			

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.

DATE OF VOTE: January 18, 2023

  
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Nancy Tran, Municipal Clerk  
Borough of Highlands