

RESOLUTION 046 - 2017

**RESOLUTION AUTHORIZING REVOCABLE LICENSE AGREEMENT WITH
MILLER FARMS, LLC**

WHEREAS, Miller Farms, LLC, (“Applicant”), located at 625 Egg Harbor Road, Hammonton, NJ 08037, operates the Paradise Lakes Campground located at 100 Paradise Drive, Hammonton, NJ, more specifically known as lot 2 of block 6001; and

WHEREAS, the Town of Hammonton (“Town”) is a municipal corporation of the State of New Jersey, owning and controlling certain rights of way within its territorial limits, including the right of way known as Paradise Drive (the “Subject Property”); and

WHEREAS, the unpaved roadway known as Paradise Drive is not needed for public purposes; and

WHEREAS, Paradise Drive is the main access to Applicant’s business and the Applicant has a direct interest in the condition and maintenance of Paradise Drive to ensure the long-term sustainability of Applicant’s business; and

WHEREAS, Town Council finds and declares that the public interest of the Town will be served by granting the Applicant a REVOCABLE LICENSE to use the subject property solely for the purpose of providing access for the Paradise Lakes Campground, including ingress and egress; and

NOW, THEREFORE, BE IT RESOLVED, by the Council of the Town of Hammonton, that for the consideration of Ten Thousand Dollars (\$10,000.00) paid by Applicant, the Mayor is hereby authorized to execute and the Town Clerk to attest to a REVOCABLE LICENSE to authorize the Applicant to encroach into and upon the Town’s right of way known as Paradise Drive.

BE IT FURTHER RESOLVED, that the Applicant shall enter into a License Agreement with the Town for the encroachments and shall be subject to the following terms and conditions:

1. The proposed License Agreement shall contain a provision by which the Licensee shall hold harmless and indemnify the Town from all costs, liabilities and claims arising out of or related to the existence, maintenance, or use of the Town’s right of way by the proposed Licensee; and shall require the proposed Licensee and its successors to keep and maintain such liability insurance as will accomplish the foregoing.

2. The form and language of the License Agreement authorized by this Resolution shall be approved by the Town Solicitor prior to execution.

3. The License Agreement shall be binding upon the heirs, assigns and/or successors in right, title or interest of the parties to said Agreement.

Adopted March 20, 2017

THE TOWN OF HAMMONTON

ATTEST:

Stephen DiDonato, Mayor

April Maimone,
Municipal Clerk