

TOWNSHIP OF WALL

RESOLUTION NO. 19-0418

**AUTHORIZATION FOR THE MAINTENANCE OF CERTAIN IMPROVEMENTS  
WITHIN WALL TOWNSHIP'S DRAINAGE EASEMENT LOCATED ON BLOCK  
811.07 LOT 21**

**WHEREAS**, the property known and designed as Block 811.07 Lot 21 in on the Tax Assessment Map of the Township, which property is also known as 1413 Cortland Drive, is subject to a drainage easement in favor of Wall Township; and,

**WHEREAS**, the aforesaid easement was granted to the Township as part of the approval of the Orchard Crest Major Subdivision and the easement runs along a body of water known as Juddas Creek, which runs through Orchard Crest; and,

**WHEREAS**, the current owners of the property discovered, after their purchase of 1413 Cortland Drive that certain improvements had been located within the area of the drainage easement on their property, including a concrete pool and patio; a paver block patio; and a retaining wall; and,

**WHEREAS**, the current owners applied to the Board of Adjustment for the variances necessary in order to maintain the aforesaid structures as well as to perform certain minimal grading work to the rear of the existing improvements and the construction of a gazebo on the existing concrete paver patio; and,

**WHEREAS**, the Board of Adjustment, in a Resolution adopted on December 13, 2017, has found that the aforesaid variances could be granted without detrimental impact either to the drainage easement on the property or to any adjacent property; and,

**WHEREAS**, the aforesaid approval by the Board of Adjustment requires the consent of the Township Committee; and,

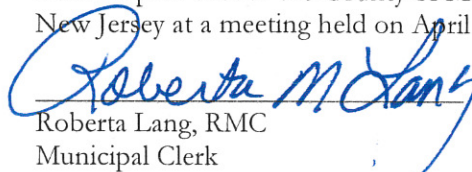
**WHEREAS**, the Director of Engineering has confirmed to the Township Committee his advice to the Board of Adjustment that the aforesaid variances could be granted without detrimental impact to the drainage easement or to surrounding properties;

**WHEREAS**, the Township Committee consents to the approval granted by the Board of Adjustment contingent upon the property owners executing a license agreement in favor of the Township; in the alternative, the parties could mutually agree to redraw the drainage easement which would obviate the need for a license agreement; and,

**NOW THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Wall that the Township hereby grant its consent to the retention of the existing structures; the re-grading; and the installation of the gazebo approved by the Board of Adjustment in its Resolution adopted December 13, 2017 contingent on either the execution of a licensing agreement or an agreed upon redrawing of the drainage easement; and,

**BE IT FURTHER RESOLVED** that the Township Clerk be and is hereby authorized and directed to forward certified copies of the Resolution to the Director of Engineering, the Township Planner, the Secretary to the Board of Adjustment; and to the property owners and their counsel.

I, Roberta Lang, Municipal Clerk of the Township of Wall in the County of Monmouth and the State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Mayor and Committee of the Township of Wall in the County of Monmouth in the State of New Jersey at a meeting held on April 24, 2019.

  
Roberta Lang, RMC  
Municipal Clerk