

**BOROUGH OF PENNINGTON
RESOLUTION 2025-12.6**

**RESOLUTION AUTHORIZING AGREEMENT BETWEEN BOROUGH OF
PENNINGTON AND IVAN LEE PERMITTING CONSTRUCTION
OF FENCE IN DRAINAGE AND SANITARY SEWER EASEMENT AT
16 QUEENS LANE**

WHEREAS, Ivan Lee is the sole owner of real property known as 16 Queens Lane in the Borough of Pennington, also known as Lot 38 Block 601 on the Borough Tax Map (“Property”);

WHEREAS, a 30-foot wide storm and sanitary sewer easement owned by the Borough of Pennington runs along the northerly boundary of the Property as shown on the attached plan of survey (“Borough Easement”);

WHEREAS, Mr. Lee wishes to construct a 6-foot fence with a 48-inch gate in the Borough Easement crossing the Easement at a right angle to the northerly property line as also shown on the attached plan of survey;

WHEREAS, Mr. Lee therefore seeks to enter into an agreement with the Borough permitting the fence and gate to be constructed in the Borough Easement as proposed, subject to conditions;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Pennington, as follows:

1. The Mayor, with the attestation of the Borough Clerk, is hereby authorized to enter into an agreement on behalf of the Borough of Pennington, in a form that complies with this Resolution and is approved by the Borough Attorney, granting permission to Ivan Lee to install and maintain the proposed fence in the Borough Easement as substantially described in the annexed plan, subject to the following conditions:

- (a) The proposed fence and gate shall not obstruct the Borough Easement.
- (b) If for any reason in its sole judgment the Borough must remove all or any portion of the fence or gate to address any obstruction or otherwise gain access to the Easement, or the Borough otherwise damages the fence or gate, the Borough shall not be responsible for replacing, repairing or rebuilding the fence or gate. Any such removal of the fence or gate by the Borough shall not require prior approval by Mr. Lee;

- (c) The Borough shall be held harmless by Ivan Lee from all costs and other liabilities (including reasonable attorneys' fees) arising from the presence of the fence or gate in the Borough Easement.
- (d) This agreement permitting the fence and gate in the Borough Easement shall be personal to Ivan Lee, shall not be transferable by him, shall be revocable at will by the Borough, shall not run with the land, shall not be recorded, and shall expire upon change in ownership of the Property.

2. Notwithstanding authorization of the aforesaid agreement by Borough Council, construction of the fence and gate shall be subject to applicable zoning and related approvals.

Record of Council Vote on Passage

COUNCILMAN	AYE	NAY	N.V.	A.B.	COUNCILMAN	AYE	NAY	N.V.	A.B.
Angarone					Rubenstein				
Chandler					Stern				
Marciante					Valenza				

This is to certify that the foregoing is a true copy of a Resolution adopted by the Borough Council of the Borough of Pennington at a meeting on December 1, 2025.

Elizabeth Sterling, Borough Clerk