## **Resolution of the City of Atlantic City**

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No. 438

Approved as to Form and Legality on Basis of Facts Set Forth

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Assistant City Solicitor /s/	Karl Timbers	Director of Planni	ing & Development /s/ Jacques Howard
			Prepared by City Solicitor's Office
Council Members	SHABAZZ, RANDOLPH &	MARSHALL	present the following Resolution:

## RESOLUTION GRANTING A REVOCABLE LICENSE AGREEMENT FOR A SIGN ENCROACHMENT OVER THE PUBLIC SIDEWALK AT 1618 PACIFIC AVENUE (Block 48.01, Lot 3, 4)

**WHEREAS**, Farmers NJ, LLC hereafter referred to as "Applicant" has proposed replacement of the existing awning with name change at the entrance of the business located at 1618 Pacific Avenue in Block 48.01, lot 3, 4 (the "Property"); and

**WHEREAS**, Applicant, the new proprietor, proposes to install a new canopy/awning with the new business name above the entrance, completeness review is attached as Exhibit A; and

**WHEREAS**, Applicant received conditional Certificate of Land Use Compliance approval from the CRDA contingent upon the Applicant obtaining a license from the City permitting the projecting canopy/awning over the public sidewalk; and

**WHEREAS**, Applicant presented their request to and received approval from the City Council Planning & Development Subcommittee on May 30, 2024; and

**WHEREAS,** the City is a municipal corporation of the State of New Jersey, owning and controlling certain rights of way within its territorial limits, as shown on the tax map of the City of Atlantic City, which Sidewalk abuts the Applicant's Property; and

**WHEREAS,** the Applicant is specifically requesting permission from the City to maintain certain encroachments upon City-owned real property and within the City's right-of-way for the new canopy/awning containing business name; and

**WHEREAS**, the awning would be installed and maintained solely at the Applicant's expense and without cost to the City; and

**WHEREAS**, City Council finds and declares that the public interest of the City will be served by the granting to the applicant a REVOCABLE LICENSE; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Council of the City of Atlantic City, that for the consideration of one dollar (\$1.00) paid by applicant, the Mayor is hereby authorized to execute and the City Clerk to attest to a REVOCABLE LICENSE to authorize the Applicant to encroach into and upon the City's rights-of-way, as more particularly set forth and described in the attached form of License Agreement.

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**BE IT FURTHER RESOLVED** that the Applicant shall enter into a license agreement with the City for the Project 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 City for all costs, liabilities and claims arising out of or related to the existence, maintenance, or use of the City'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 City Solicitor prior to execution.
- 3. The License Agreement shall be binding upon the heirs, assigned and/or successors in right, title or interest of the parties to said agreement.

July 1, 2024 4:14 PM

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DO NOT USE SPACE BELOW THIS LINE													
RECORD OF COUNCIL VOTE ON FINAL PASSAGE													
COUNCIL MEMBER	AYE	NAY	N.V	A.B.	MOT.	SEC.	COUNCIL MEMBER	AYE	NAY	N.V.	A.B.	MOT.	SEC.
CROUCH	X					X	SHABAZZ	X				X	
DUNSTON				X			TIBBITT				X		
KURTZ		X					WEEKES	X					
MARSHALL	X						ZIA	X					
RANDOLPH, PRESIDENT X													
X-Indicates Vote NV-Not Voting AB-Absent MOT-Motion SEC-Second													

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

DATE OF ADOPTION:	JUNE 12, 2024		
		/s/ Paula Geletei,	City Clerk