

**RESOLUTION APPROVING PLAN OR DESIGN  
MATILDA AVENUE RESURFACING**

**WHEREAS**, N.J.S.A. 59:4-6 provides in pertinent part that neither the public entity nor a public employee is liable for an injury caused by the plan or design or public property or any improvement thereto where the plan or design was approved in advance of construction by the Township Council or a public employee exercising discretionary authority on its behalf or where such plan or design was prepared in conformity with standards previously approved by the Township Council; and

**WHEREAS**, the following improvement to public property has been designed by the Franklin Township Engineering Department; and

**WHEREAS**, the Township Council wishes to record its approval of said design.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Franklin, County of Somerset, State of New Jersey as follows:

1. Plans and specifications entitled "Street Resurfacing for 2009 – Matilda Avenue" and prepared by the Franklin Township Engineering Department dated \_\_\_\_\_ be, and hereby are, approved.
2. Upon completion of the improvements described herein above, the Township Engineer or his designee shall inspect said improvement and certify to the Township Council, before payment is made for same that said improvement has been constructed in accordance with the above referenced design.
3. The Township Clerk shall archive this Resolution in a manner consistent with the purpose of perpetually documenting governmental immunity in the event of any claim based upon the plan, design or construction of the improvement.

**CERTIFICATION**

I, Ann Marie McCarthy, Clerk of the Township of Franklin, in the County of Somerset, do hereby certify that the foregoing is a true and correct copy of a resolution duly adopted by the Township Council at a regular meeting held on the 28<sup>th</sup> day of April 2009.

IN WITNESS WHEREOF I have hereunto set my hand and affixed the seal of said Township this 29<sup>th</sup> day of April 2009.

Ann Marie McCarthy  
Township Clerk