

RESOLUTION NO. 09-253

RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY, DECLARING THE LEASE AGREEMENT ENTERED INTO WITH TOOKER SIGN SERVICE TO BE BREACHED BY TOOKER SIGN SERVICE AND THEREFORE DECLARED TO BE NULL AND VOID AND OF NO FURTHER FORCE OR EFFECT

WHEREAS, the Township of Barnegat, County of Ocean, State of New Jersey (hereinafter referred to as the "Township") previously entered into a Lease Agreement with Tooker Sign Service ("Tooker"), which Lease Agreement was entered into in 2006; and

WHEREAS, the purpose of the Lease Agreement was to lease to Tooker a portion of property known and designated as Block 52, Lot 10, located on Route 72, Barnegat Township, New Jersey (the "property") upon which Tooker owned and operated a billboard; and

WHEREAS, payment due and owing to the Township has not been made by Tooker for a substantial period of time, and therefore Tooker is in violation and default of the aforementioned Lease Agreement; and

WHEREAS, the Township has forwarded a letter to Tooker indicating that because of nonpayment of the rent Tooker is in default and therefore the Lease Agreement is null and void:

**DASTI, MURPHY
McGUCKIN, ULAKY,
CHERKOS & CONNORS**

COUNSELLORS AT LAW

620 WEST LACEY ROAD
P.O. BOX 1057
FORKED RIVER, N.J. 08731

NOW, THEREFORE, BE IT RESOLVED, this 6th day of April, 2009 by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, as follows:

1. The Township hereby formally declares the Lease Agreement entered into with Tooker Sign Service affecting a portion of property located at Block 52, Lot 10, Route 72, Barnegat Township, New Jersey, to be null and void and of no further force or effect.

2. The Township declares that the lease is void because of repeated nonpayment by Tooker Sign Service, in violation of the Lease Agreement.

3. The Township authorizes and directs the Township's professional staff to prepare the appropriate documentation so as to offer the subject property for lease to the highest bidder, based upon an open bid proposal pursuant to the provisions of N.J.S.A. 40A:12-13 et seq.

4. The Township hereby authorizes and directs the Mayor, Township Clerk, and Township Administrator to execute any and all necessary documents in order to implement the intent of this resolution.

5. A certified copy of this resolution shall be forwarded by the Township Clerk to the following:

- (a) Honorable Jeffrey Melchiondo, Mayor;
- (b) David Breeden, Administrator/ CFO;
- (c) Tooker Sign Service, Attn: Jeff Tooker; and

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Township of Barnegat at a meeting held on April 6, 2009, a quorum being present and voting in the majority.

Kathleen T. West, RMC
Township Clerk

Prepared by:

DASTI, MURPHY, McGUCKIN, ULAKY,
CHERKOS 8s CONNORS Forked
River, New Jersey 08731

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