

RESOLUTION NO. 2009-353

**RESOLUTION OF THE TOWNSHIP OF BARNEGAT,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AUTHORIZING EXECUTION OF AN AGREEMENT WITH
THE MENK CORPORATION CONCERNING REPAIRS OF
268 HOMES IN THE MIRAGE DEVELOPMENT**

WHEREAS, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey (hereinafter referred to as the "Township"), has been involved in extensive negotiations and discussions with the Menk Corporation ("Menk") concerning repairs of remaining homes built by Menk in the Mirage Development ("Mirage") which are affected by Uniform Commercial Code violations; and

WHEREAS, the Township and Menk have previously entered into agreements concerning repairs of certain crawlspaces of homes within the Mirage Development which have been adversely affected by Uniform Commercial Code violations; and

WHEREAS, in addition to those agreements the Township has now been presented a "global" agreement by Menk whereby the remaining 268 homes built by Menk in Mirage would be inspected and if necessary repaired for all Uniform Commercial Code violations, other than the aforementioned crawlspace violations; and

WHEREAS, the agreement has been reviewed by the Township Solicitor and found to be acceptable as to form and content:

**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 18th day of May, 2009 by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, as follows:

1. The Township hereby accepts and approves the letter agreement prepared by the Menk Corporation concerning inspection and if necessary repairs to the remaining 268 homes in Mirage for Uniform Construction Code violations.

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

3. 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;
- (c) Louis Fischer, Code Enforcement Officer;
- (d) John Hess, P.E.;
- (e) Jerry J. Dasti, Esq.; and
- (f) Chad Warnken, Esq., Attorney for the Menk Corporation

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CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Township of Barnegat at a meeting held on May 18, 2009, a quorum being present and voting in the majority.

Kathleen T. West, RMC
Municipal Clerk

Prepared by:

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

JJD:caf[Barnegat Resolutions 2009-GL#17982]
[Mirage UCC Violations - GL#15194]

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