

RESOLUTION NO. 2011-215

**RESOLUTION OF THE TOWNSHIP OF BARNEGAT,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AUTHORIZING APPROVAL OF A SETTLEMENT
AGREEMENT WITH KEYSTONE CROSSING FAMILY
APARTMENTS, LLC**

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 litigation with Keystone Crossing Family Apartment, LLC, Walters Development Co., LLC, and Atlantic Heights, LLC (collectively “Plaintiffs”) which litigation has venue in the Superior Court of New Jersey, Law Division, Ocean County, Docket Number L-1869-09; and

WHEREAS, the aforementioned litigation primarily involves property owned by the Plaintiffs on Barnegat Boulevard which had been the subject of a potential rezoning to assist the Township with the COAH obligations.; and

WHEREAS, after extensive discussions and negotiations by and between the parties a Settlement Agreement has been reached which will in part provide the following:

1. A termination of litigation and therefore a termination of litigation expenses.
2. The Development of an 84 unit Affordable Housing (COAH) Project on Route 9, all to be constructed by and at the sole cost of Plaintiffs.

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

COUNSELLORS AT LAW

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

3. Installation of sidewalks throughout the Whispering Hills Development, immediately.

4. The Decommissioning of Well #8, which is a Township responsibility, at and by the sole costs of Plaintiffs, which costs will approximate \$50,000.00.

5. The removal of an eye sore and environmental issues involving the property on Route 9 which is the subject of the potential COAH Development, previously referred to in Barnegat Township as the “Pampered Pirate Bar”.

6. An enhancement to the neighborhood on Route 9 in which the COAH Project will be constructed by and at the sole cost of Plaintiffs.

WHEREAS, the Township believes that the Settlement Agreement is in the best interests of the taxpayers of the Township, and will assist the Township not only in meeting its COAH responsibilities but also enhancing commercial property on Route 9, all at no expense to the township taxpayers, rather solely at the expense of Plaintiffs; and

NOW, THEREFORE, BE IT RESOLVED, this 4th day of April, 2011, by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, as follows:

1. The Township accepts and approves the Settlement Agreement as presented by the Township Solicitor. A true copy of the Settlement Agreement is on file at the office of the Township Clerk and can be reviewed by the public during normal business hours.

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

COUNSELLORS AT LAW

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

2. The Township 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.

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) Jerry J. Dasti, Esquire;
- (d) Andrew Bayer, Esquire;
- (e) Joseph Del Duca, Esquire;
- (f) Barnegat Township Planning Board;
- (g) Michael McKenna, Esquire; and
- (h) John J. Hess, P.E.

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Township of Barnegat at a meeting held on April 4, 2011, a quorum being present and voting in the majority.

KATHLEEN WEST, TOWNSHIP CLERK

Prepared by:

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

JJD:faw/Barnegat Resolutions 2011-GL#19466]

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

COUNSELLORS AT LAW

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