

**RESOLUTION OF THE TOWNSHIP OF BARNEGAT,
COUNTY OF OCEAN, STATE OF NEW JERSEY,
AUTHORIZING ACCEPTANCE AND EXECUTION OF A
WATER FACILITIES REIMBURSEMENT AGREEMENT
WITH MARK MADISON, LLC, FOR THE CONSTRUCTION
OF WELL NO. 9, AND THE ACCOMPANYING WATER
TREATMENT PLANT FACILITY AND ONE MILLION
GALLON WATER STORAGE TANK**

WHEREAS, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey (hereinafter referred to as the "Township") also serves as the Township Water and Sewer Utility Department; and

WHEREAS, the Township is in need, in order to best protect and provide service to the residents of the Township, of constructing Well No. 9, the accompanying water treatment plant facility, and one million gallon water storage tank (hereinafter collectively referred to as the "water facilities"); and

WHEREAS, Mark Madison, LLC (hereinafter referred to as "Mark Madison") has agreed to, at its own cost and expense, construct the water facilities on property owned by the Township; and

WHEREAS, Mark Madison and the Township have entered into a Reimbursement Agreement which would provide, in part, that Mark Madison would be reimbursed by other users and developers who benefit from the construction of the water facilities, through a formula set forth in the agreement, with the specific understanding and proviso that the Township and its ratepayers will never be financially responsible to reimburse Mark Madison

for any of the costs advanced and incurred by Mark Madison to construct the water facilities; and

WHEREAS, the Reimbursement Agreement has been reviewed by the Township's professional and administrative staff and found to be acceptable as to form and content:

NOW, THEREFORE, BE IT RESOLVED, this 5th day of June, 2006 by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, as follows:

1. The Township accepts the recommendations of its professional staff and accepts and approves the Water Facilities Agreement to be entered into by and between the Township and Mark Madison. A copy of the Reimbursement Agreement is on file with the Township Clerk's office and can be reviewed during normal business hours.

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 Thomas Hartman, Mayor;
- (b) David Breeden, Township Administrator;
- (c) Jerry J. Dasti, Esq.;
- (d) John Hess, P.E.;
- (e) Roger Budd, Superintendent; and
- (f) Joseph Del Duca, Esq., Attorney for Mark Madison, LLC.

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Township of Barnegat at a meeting held on 5th day of June, a quorum being present and voting in the majority. 2006


VERONICA JASINA, TOWNSHIP CLERK

Prepared by:

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

JJD:caf/Barnegat Resolutions 2006-GL#15694]
[Barnegat - Well No. 9 - GL#14879]

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