

RESOLUTION NO. 2013-107

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE
TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF
NEW JERSEY, APPROVING AND AUTHORIZING EXECUTION OF
THIRD ADDENDUM TO THE DEVELOPMENT AND
REIMBURSEMENT AGREEMENT BY AND BETWEEN THE
TOWNSHIP OF BARNEGAT AND MARK MADISON, 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 presented with a Third Addendum to the Development and Reimbursement Agreement (the “Agreement”); and

WHEREAS, the Township and Mark Madison, LLC (the “Developer”) entered into a Development and Reimbursement Agreement dated March 28, 2003 and recorded in the Ocean County Clerk’s Office in Book 11453 at Page 1090 (the “Original Agreement”); and

WHEREAS, the Developer and the Township entered into a First Addendum to Development and Reimbursement Agreement also dated March 28, 2003 and also recorded in the Ocean County Clerk’s Office at Book 11453 at Page 1090 as an attachment to the Original Agreement (the “First Amendment”), whereby certain terms and conditions of the Original Agreement were modified; and

WHEREAS, the Developer and the Township entered into a Second Addendum to Development and Reimbursement Agreement dated June 13, 2006 and recorded in the Ocean County Clerk’s Office on June 22, 2006 at Book 13223 at Page 1566 (the “Second Amendment”), whereby certain terms and conditions contained in the Original Agreement and the First Amendment were modified; and

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

COUNSELLORS AT LAW

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

WHEREAS, the Developer and the Township entered into a Corrective Development and Reimbursement Agreement dated May 7, 2007 and recorded in the Ocean County Clerk's Office on June 22, 2006 at Book 13223 at Page 1566 (the "Corrective Agreement") to correct an error in the identification of "Independent Lots" affected by the Original Agreement, the First Amendment and the Second Amendment; and

WHEREAS, the Township has been presented with the Agreement, a true copy of which is on file with the office of the Township Clerk and can be reviewed during normal business hours, which the Township finds is reasonable, appropriate and corresponds with the intent and purpose of the Original Agreement and the First and Second Amendments thereto;

WHEREAS, this Addendum is necessary to include all of the tax lots in Phase 3 and to otherwise amend the Original Agreement as appropriate.

NOW, THEREFORE, BE IT RESOLVED, this 19th day of February, 2013, by the Township Committee of the Township of Barnegat, County of Ocean, State New Jersey, as follows:

1. The Township accepts the recommendations of the Township Solicitor and Township Engineer and approves and authorizes execution of the Third Addendum to the Development and Reimbursement Agreement, a true copy of which is on file with the office of the Township Clerk 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.

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

COUNSELLORS AT LAW

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

BE IT FURTHER RESOLVED that a copy of this Resolution shall be forwarded by the Township Clerk to the following:

- a. The Honorable Len Morano, Mayor;
- b. David Breeden, Township Administrator;
- c. Kevin Starkey, Esquire;
- d. John Hess, P.E.;
- e. Joseph DeDuca, Esquire, attorney for Mark Madison, LLC.

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Township Committee of the Township of Barnegat at a regular meeting held on the 4th day of February, 2013, a quorum being present and voting in the majority.

SHARON L. AUER, Township Clerk (Acting)

Prepared by:

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

COUNSELLORS AT LAW

620 WEST LACEY ROAD

P.O. BOX 1057

FORKED RIVER, N.J. 08731

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

\\DMM-SBS\RedirectedFolders\lhummel\My Documents\LISA\BARNEGAT TOWNSHIP\
Ocean Acres Reimb Agreem GL-20508\Resolution re Third Addendum to Agreement.doc