

RESOLUTION NO. 2012- 171

**RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF
NEW JERSEY, AUTHORIZING SETTLEMENT OF LITIGATION WITH THE
COUNTY OF OCEAN**

WHEREAS, the Township of Barnegat filed suit against Menk Corporation and the County of Ocean in a lawsuit filed in the Superior Court of New Jersey, Ocean County, entitled BARNEGAT TOWNSHIP v. MENK CORPORATION, COUNTY OF OCEAN, a body politic of the State of New Jersey and JOHN DOES 1-10, individual defendants who have not yet been identified, docket no. OCN-L-2361-10 (hereinafter referred to as the "Litigation"); and

WHEREAS, the Township's Complaint against the County of Ocean included claims for breach of contract in connection with the All Code Agreement (and successor agreements) by and between the Township of Barnegat and County of Ocean whereby Ocean County, by and through the Ocean County Construction Inspection Department was responsible for administering and enforcing the provisions of the state Uniform Construction Code, N.J.S.A. 52:27D-119 et seq. and its implementing regulations on behalf of the Township and specifically with respect to the Four Seasons at Mirage Development housing development; and

WHEREAS, the County of Ocean was defended by counsel with respect to the Complaint filed by the Township of Barnegat; and

WHEREAS, the Township of Barnegat and the County of Ocean desire to amicably resolve all outstanding claims asserted by the Township against Ocean County in the Litigation, as well as any right of appeal held by any and all of the parties; and

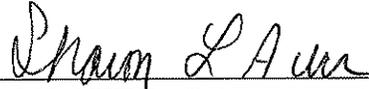
WHEREAS, upon advice of counsel, it was determined by the Township Committee to be in the best interest of the Township to amicably resolve all claims asserted by the Township against the County of Ocean in the matter of Barnegat Township v. Menk Corporation et al., docket number OCN- L-2361-10 conditioned upon receipt of payment from the County of Ocean of the sum of \$250,000.00.

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

1. The Township Committee hereby authorizes and approves of the settlement of the Litigation with the County of Ocean in consideration of payment from the County of Ocean of the sum of \$250,000.00.
2. The Township Committee authorizes and directs the Mayor, Township Clerk, Township Administrator and Special Counsel to execute any and all necessary documents in order to implement the intent of this resolution and to effectuate settlement of the Litigation.

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Township of Barnegat at a meeting held on March 5, 2012, a quorum being present and voting in the majority.



SHARON AUER, TOWNSHIP CLERK

Prepared by:

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