

RESOLUTION 2016-410

RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY ACCEPTING RESPONSIBILITY FOR STREET LIGHTING WITHIN THE SUBDIVISION KNOWN AS WHISPERING HILLS PHASE 2

WHEREAS, N.J.S.A. 40:55D-53.6 requires the Township of Barnegat (the "Township") to assume financial responsibility for the cost of street lights upon receipt of proper notification from the developer of a development requiring street lights; and

WHEREAS, specifically, N.J.S.A. 40:55D-53.6 requires that a developer seeking to have the Township assume responsibility must send written notification to the Township verifying that:

- 1 The street lighting on a dedicated public street has been installed and accepted for service by the public utility; and
- 2 That certificates of occupancy have been issued for at least 50% of the dwelling units and 50% of the floor area of the nonresidential uses on the dedicated public street or portion thereof indicated by section pursuant to section 29 P.L. 1975 (C. 40:55D-38) the municipality shall, following receipt of the notification, make appropriate arrangements with the public utility for, and assume the payment of, the costs of the street lighting on the dedicated public street on a continuing basis. Compliance by the municipality with the provisions of this section shall not be deemed to constitute acceptance of the street by the municipality.

WHEREAS, through a letter from Walters Group, developer of the Whispering Hills, Phase 2 site, has made this representation; and

WHEREAS, N.J.S.A. 40:55D-36.6 requires upon receipt of this notification, the municipality must make arrangements with the public utility to assume responsibility for the payment of the cost of street lighting.

NOW, THEREFORE BE IT RESOLVED that the Mayor and Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey that the Township shall make arrangements with the public utility to assume the costs of street lighting in the Whispering Hills Phase 2 development, in accordance with N.J.S.A. 40:55D-36.6

CERTIFICATION

I, Michele Rivers, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify that the foregoing Resolution was duly adopted by the Township Committee, at a meeting held in the Municipal Complex, 900 W. Bay Avenue, Barnegat NJ on November 15, 2016

Michele Rivers, RMC
Municipal Clerk