

**RESOLUTION NO. 112 - 2018**

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF A SETTLEMENT AGREEMENT BETWEEN THE TOWNSHIP OF BARNEGAT AND WALTERS DEVELOPMENT COMPANY, INC., AND MARK MADISON, LLC, AND DISMISSING LITIGATION**

**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 two litigations with Walters Development Company, Inc., and Mark Madison, LLC (“Walters”) in the Superior Court of New Jersey; and

**WHEREAS**, ligation captioned Walters Development Company, Inc. and Menk Corp., v. Township of Barnegat, venued in the Superior Court of New Jersey, Law Division, Civil Part, Ocean County, under Docket No. OCN-L-1746-09, involved the Water Facilities Agreement; and

**WHEREAS**, ligation entitled Township of Barnegat v. Walters Development Company, Inc. and Mark Madison, LLC, venued in the Superior Court of New Jersey, Law Division, Civil Part, Ocean County, under Docket No. OCN-L-2173-16, involved the stormwater drainage assessment fees; and

**WHEREAS**, the parties have engaged in settlement negotiations and it is the intention of the Township Committee to authorize the execution of a Settlement Agreement which is attached hereto as Exhibit A and is on file in the office of the Township Clerk and can be viewed during normal business hours; and

**WHEREAS**, the Township Committee incorporates by reference the terms of the Settlement Agreement and authorizes the Mayor, Township Administrator, Township Clerk, and the Township’s legal counsel to execute any and all documents to implement the intent of this Resolution, execute the Settlement Agreement, and dismiss both litigations.

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

COUNSELLORS AT LAW

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

**NOW, THEREFORE, BE IT RESOLVED**, this 6th day of March, 2018, by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, as follows:

1. The Township finds it necessary and appropriate to settle the outstanding litigations with Walters and enter into the Settlement Agreement prepared and negotiated by Township's representatives, to bring both litigations to a conclusion.

2. The Township Committee hereby authorizes the Mayor, Administrator, Clerk and legal counsel to execute any and all documents including but not limited to the Settlement Agreement and dismiss both litigations with prejudice.

3. A certified copy of this resolution shall be forwarded by the Township Clerk to the following:

- (a) Honorable Frank Caputo, Mayor;
- (b) Martin J. Lisella, Township Administrator;
- (c) Christopher J. Dasti, Esquire;
- (d) John J. Hess, P.E.;
- (e) Tom Lombarski, CFO, Township of Barnegat.

#### **CERTIFICATION**

I certify that the foregoing Resolution was duly adopted by the Township of Barnegat at a meeting held on the 6th day of March 2018, a quorum being present and voting in the majority.

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

COUNSELLORS AT LAW

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**MICHELE RIVERS, RMC,**  
Township Clerk

Prepared by:

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