

RESOLUTION NO. 2022-333

**RESOLUTION OF THE TOWNSHIP OF
BARNEGAT, COUNTY OF OCEAN, STATE OF
NEW JERSEY, AUTHORIZING PAYMENT FROM
DEVELOPER ESCROW ACCOUNT TO MARK
MADISON LLC IN ACCORDANCE WITH THE
OFF TRACT REIMBURSEMENT AGREEMENT
DATED SEPTEMBER 21, 2015**

WHEREAS, the Township of Barnegat, County of Ocean, State of New Jersey (the “Township”) has previously entered into an Off Tract Reimbursement Agreement with Mark Madison, LLC dated September 21, 2015; and

WHEREAS, the Agreement provides that as developer’s who benefit from water and sewer improvements constructed by Mark Madison, LLC and its related entities participate in a cost sharing agreement to properly reimburse Mark Madison, LLC pursuant to the provisions of the Municipal Land Use Law N.J.S.A. 40:55D-1 et seq.; and

WHEREAS, the Township received correspondence dated June 1, 2022 from the representatives of Mark Madison, LLC and its associated entities Walters Development Co. requesting reimbursement under the Water Facilities Agreement from the escrow account in the amount of \$259,280.03; and

WHEREAS, the Township’s professional staff has confirmed that the amount in the escrow agreement is due and owing to the developer pursuant to the terms of the Agreement.

NOW, THEREFORE, BE IT RESOLVED on this 1st day of November 2022 by the Mayor and the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey as follows:

1. The Township hereby authorizes payment under the Off Tract Reimbursement Agreement out of the developer escrow account to Mark Madison, LLC in the amount of \$259,280.03. Said funds have been paid into the developer escrow account by other developer's and entities that have benefited from the improvements and does not represent any exponential public funds on behalf of the Township.

2. The Township authorizes the Mayor, Township Clerk, Township Administrator and/or Township CFO, and other appropriate Township officials to execute any and all documents necessary 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) Alfonso Cirulli, Mayor
- (b) Martin Lisella, Township Administrator
- (c) Thomas Lombarski, CFO
- (d) Christine Roessner, Finance Department
- (e) Christopher J. Dasti, Esq., Township Attorney
- (f) Kevin Price, Walters Development Co.
- (g) Richard J. Hoff, Jr., Esq., Attorney for the Developer

CERTIFICATION

I certify that the forgoing Resolution was duly adopted by the Township of Barnegat at a meeting held on November 1, 2022, a quorum being present and voting in the majority.

Donna M. Manno, RMC
Municipal Clerk