

RESOLUTION

Councilmember offered the following Resolution and moved its adoption;
seconded by Councilmember

WHEREAS, the Developer is the owner of certain property known as Block 3, Lots 13, 14, 15, as shown on the official tax map of the Township of Ocean which property is located at 2105 Highway 35 in the C-3 (General Commercial) Zone in the Township of Ocean, County of Monmouth, State of New Jersey; and

WHEREAS, L. Waldron, LLC, is the applicant looking to develop 4,102 square feet of the existing retail structure from the Developer of the property known as Block 3, Lots 13, 14, 15, located at 2105 Highway 35 in the Township of Ocean, County of Monmouth, State of New Jersey; and

WHEREAS, L. Waldron was granted Preliminary and Final Site Plan Approval, Bulk Variance for Width of Parking Spaces, Bulk Variance and Use Variance from the Zoning Board of Adjustment of the Township of Ocean by way resolutions dated July 9, 2009 to utilize a 4,102 square foot portion of the existing building for the purpose of an indoor play entertainment center for children 8 years of age and younger; and

WHEREAS, this Agreement relates to a Site Plan Map entitled Site Plan Prepared for 2105 Highway 35 Associates, Lots 13, 14 & 15, Block 3, Township of Ocean, Monmouth County, New Jersey by Charles Surmonte, P.E. & P.L.S., consisting of two (2) sheets dated June 17, 2009 and last updated August 13, 2009 and the Landscape Plan Map entitled 2105 Highway #35 Landscape Plan by Ted Hindin, Landscape Architect, consisting of one (1) sheet dated August 11, 2009; and

WHEREAS, the Agreement requires the Developer to install certain improvements in accordance with the Performance Guarantee Estimate dated September 16, 2009 prepared by the Township of Ocean Engineer, Louis J. Lobosco, P.E., P.P. of Leon S. Avakian, Inc.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Ocean, County of Monmouth, State of New Jersey as follows:

1. It hereby authorizes the Mayor to execute and the Township Clerk to attest to a Developer's Agreement, between the Township of Ocean and 2105 Highway 35 Associates, LLC, subject to the following conditions first being met:
 - a. All required certificates of insurance be properly filed with the Office of the Township Clerk
 - b. Posting of Performance guarantees in the total amount of \$27,480.00 and Inspection Fees in the amount of \$2,145.00

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

1. Township Engineer
2. Director of Finance
3. Planning Board
4. Township Attorney
5. 2105 Highway 35 Associates, LLC
6. L. Waldron, LLC

ROLL CALL: Garofalo, Hiers, Schepiga, Siciliano, Larkin

CERTIFICATION

*I hereby certify that this is a true copy of a resolution passed by the Township of Ocean Governing Body at their meeting held on **October 19, 2009.***

Vincent Buttiglieri, RMC/CMC
Township Clerk