

RESOLUTION

WHEREAS, the Developer is the tenant of a portion of certain property known as Block 34, Lot 6, as shown on the official tax map which property is located at 1604 Highway 35 South in the C-2 (Highway Commercial) Zone in the Township of Ocean, County of Monmouth, State of New Jersey; and

WHEREAS, the Developer has received Site Plan Approval with Bulk Variances by the Township of Ocean Planning Board by way of Resolution dated December 14, 2009 to use 5,260 square feet of the existing building as a Lumber Liquidators showroom/warehouse. The site alterations include striping an area at the rear of the building to provide four (4) new parking spaces and placing additional wall signs on the rear of the building; and

WHEREAS, this Agreement relates to a Site Plan Map entitled Preliminary and Final Site Plans, 1604 Highway 35, Tax Block 34, Lot 6, Township of Ocean, Monmouth County, New Jersey by Robert A. Nelson, P.E. of Nelson Engineering Associates, inc. consisting of five (5) sheets dated may 4, 2009 and last updated April 20, 2010 and a Site Plan Map entitled Proposed Tenant Fit-Up For, Lumber Liquidators, 1604 Highway 35 – South, Ocean Township, NJ by Michael James Monroe, Architect, consisting of five (5) sheets dated September 9, 2008 and last updated March 6, 2010; and

WHEREAS, the Agreement requires the Developer to install certain improvements in accordance with the Performance Guarantee Estimated dated May 19, 2010 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 Lumber Liquidators, Inc., 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 \$28,320.00 and Inspection Fees in the amount of \$2,180.00.

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

1. Township Engineer
2. Director of Community Development
3. Construction Official
4. Peter S. Falvo, Jr., Esq.
5. Lumber Liquidators, Inc.

| Record of Vote | Deputy Mayor Hiers | Councilman Garofalo | Council-woman Schepiga | Councilman Siciliano | Mayor Larkin |
|-------------------|-----------------------|------------------------|---------------------------|-------------------------|-----------------|
| Motion To Approve | | | | | |
| Motion to Second | | | | | |
| Approved | | | | | |
| Opposed | | | | | |
| Not Voting/Recuse | | | | | |
| Absent/Excused | | | | | |

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 **July 7, 2010**.*

 Vincent Buttiglieri, RMC/CMC
 Township Clerk