

**RESOLUTION**

**WHEREAS**, the Ocean 733 Associates, LLC (hereinafter referred to as “Developer”) is the owner of certain property known as Block 140, Lots 105, 106, and 107, as shown on the official tax map of the Township of Ocean which property is located at 733 Highway 35 in the C-3 (General Commercial) Zone in the Township of Ocean, County of Monmouth, State of New Jersey; and

**WHEREAS**, the Developer has permission to act on behalf of Ocean 35 Developers, LLC as owners of property known as Block 140, Lot 109, which property is located at 735 Highway 35; and

**WHEREAS**, the Developer was granted Site Plan and Bulk Variance Approvals from the Township of Ocean Planning Board by way of resolution dated October 25, 2010 to interconnect two separate sites and to make several minor modifications to the building and site for the northern site and to eliminate green banked parking which was originally approved for the northern site (Lots 105,106 & 107); and

**WHEREAS**, this Agreement relates to a Site Plan Map entitled Preliminary and Final Site Plans, Ocean 733 Associates, LLC, Tax Block 140, Lots 105, 106, 107 & 109, Township of Ocean, Monmouth County, New Jersey by Robert A. Nelson, P.E. of Nelson Engineering Associates, Inc., consisting of four (4) sheets dated May 4, 2010 and last updated December 17, 2010 and the Map entitled Façade and Tenant Fit Up, Ocean 733 Building, 733 Route 35 North, Ocean Township, New Jersey, Lots 105, 106 and 107, Block 140 by James J. Monteforte, AIA of Monteforte Architectural Studio, LLC consisting of four (4) sheets dated May 27, 2010 and last updated September 29, 2010; and

**WHEREAS**, the Agreement requires the Developer to install certain improvements in accordance with the Performance Guarantee Estimate dated January 17, 2011 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 Ocean 733 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 \$52,200.00 and Inspection Fees in the amount of \$3,175.00

**BE IT FURTHER RESOLVED** that a certified copy of this resolution be forwarded to each of the following:

1. Township Engineer
2. Construction Official
3. Director of Community Development
4. Ocean 733 Associates, LLC
5. Ocean 35 Developers, LLC

Record of Vote	Councilman Garofalo	Councilwoman Schepiga	Councilman Siciliano	Councilman Evans	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 **April 11, 2011**.*

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 Vincent Buttiglieri, RMC/CMC  
 Township Clerk