

RESOLUTION

WHEREAS, the Developer is the owner of certain property known as Block 140, Lot 109 as shown on the official tax map of the Township of Ocean, which property is located at 731 Highway 35 in the C-3 (General Commercial) Zone in the Township of Ocean, County of Monmouth and State of New Jersey; and

WHEREAS, the Developer was granted Preliminary and Final Site Plan Approval with Variances by the Township of Ocean Planning Board by way of Resolution dated May 16, 2005 and Revised Major Site Plan Approval by the Township of Ocean Planning Board by way of Resolution dated July 30, 2007 to demolish the existing vacant "Ritz" diner and construct a 15,670 square foot retail building; and

WHEREAS, this Agreement relates to a Site Plan Map entitled Preliminary and Final Site Plans, 731 Highway 35, LLC (a.k.a. Ritz Diner) Tax Block 140, Tax Lot 109, Township of Ocean, Monmouth County, New Jersey by Robert A Nelson, P.E. of Nelson Engineering Associates, Inc., consisting of ten (10) sheets dated December 3, 2004 and last updated January 16, 2008; and

WHEREAS, the Agreement requires the Developer to install certain improvements in accordance with the Performance Guarantee Estimate dated January 8, 2008 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 a Developer's Agreement between the Township of Ocean and Ocean 35 Developers, LLC, subject to the following conditions first being met:
 1. All required certificates of insurance be properly filed with the Office of the Township Clerk
 2. Posting of Performance Guarantees in the total amount of \$336,480.00 and Inspection Fees in the amount of \$15,520.00.

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 Finance
3. Director of Community Development
4. Construction Official
5. Gold Coast Automotive, LLC
6. Serra Works of New Jersey, LLC
7. Rick Brodsky, Esq.,

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 **March 15, 2010**.*

 Vincent Buttiglieri, RMC/CMC
 Township Clerk

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					