

RESOLUTION

WHEREAS, Smart Access, LLC (hereinafter “Developer”) is the owner of certain property known as Block 33.34, Lots 5 and 6, as shown on the official tax map of the Township of Ocean, which property is located at 1705-1709 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 was granted site plan and variance approval from the Township of Ocean Planning Board by way of Resolution dated August, 22, 2011 to remove the front 40’ from two (2) existing buildings, fill in the area between the two (2) buildings to create 6,562 square feet of building area on the first floor, and construct 960 square feet of unheated utility area on a new second floor, for a total of 7,522 square feet of gross floor area. A total of thirty-two (32) parking spaces will be constructed in the front of the building and a loading/service area will be constructed at the rear of the building; and

WHEREAS, this Agreement relates to a Site Plan of the property entitled Preliminary and Final – Major Site Plan, Smart Access, LLC, 1705-1709 Highway 35, Tax Block 33.34, Tax Lots 5 and 6, Township of Ocean, Monmouth County, New Jersey by Robert A. Nelson, P.E. of Nelson Engineering Associates, Inc. consisting of ten (10) sheets dated January 26, 2011 and last updated January 3, 2012 and the Map entitled Project – Stores Renovation, Block 33.34, Lots 5 & 6, 1709 Highway 35N, Ocean Twp., NJ, Monmouth County by Wellisch Architects, LLC consisting of two (2) sheets dated August 10, 2011 and last updated January 24, 2012; and

WHEREAS, the Agreement requires the Developer to install certain improvements in accordance with the Performance Guarantee Estimate dated January 31, 2012 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 Smart Access, 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 \$177,120.00 and Inspection Fees in the amount of \$8,880.00

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. Smart Access, LLC

Record of Vote	Deputy Mayor Siciliano	Councilman Evans	Councilman Garofalo	Councilwoman Schepiga	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 18, 2012.***

 Vincent Buttiglieri, RMC/CMC/MMC
 Township Clerk