

**RESOLUTION**

**WHEREAS**, Sprint Spectrum, L.P. (hereinafter referred to as “Developer”) received Preliminary and Final Site Plan Approval from the Zoning Board of Adjustment of the Township of Ocean by way of resolution dated September 30, 2004 for a “D” variance for deviation from minimum side yard set back and minimum rear yard set back which requirements fro a conditional use for cell towers in the within C-3 (General Commercial) Zone on June 10, 2004, as memorialized by resolution dated July 8, 2004 for property located at Block 1.05, Lots 1 and 2, 2108 Kings Highway; and

**WHEREAS**, the Township Council did authorize and enter into a developer’s agreement dated June 6, 2005 with Sprint Spectrum, L.P. to construct a wireless communications facility with an associated 150 feet monopole and attached wireless antennae on premises known and designated as 2108 Kings Highway, Block 1.05, Lots 1 and 2; and

**WHEREAS**, performance guarantees were posted totaling \$159,922.80 in the form of Performance Bond #104468350 issued by Travelers Casualty and Surety Company of America, Hartford, CT in the amount of \$143,930.52 together with cash in the amount of \$15,992.28; and

**WHEREAS**, the Township Clerk is in receipt of a letter from Asset Management Consultants on behalf of Sprint Spectrum, L.P. dated March 10, 2011 requesting a final inspection of the aforementioned project as well as release of the performance guarantees upon completion of the project; and

**WHEREAS**, under the provisions of N.J.S.A. 40:55D-53(b) of the Municipal land Use Law, the governing body may extend the time period in which the improvements may be completed; and

**WHEREAS**, the Township Clerk is in receipt of a memorandum from the Township Engineer’s representative Louis J. Lobosco, P.E., P.P. dated March 22, 2011 denying the performance guarantee; and

**WHEREAS**, in instances such as this, consideration is given to the granting of a time extension with no reduction of the performance guarantee; and

**WHEREAS**, the Township Council is in agreement with said extension and consents to same.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Ocean in the County of Monmouth, that it does hereby authorize and approve a time extension to the developer’s agreement between Sprint Spectrum, L.P. and the Township of Ocean to April 11, 2012 expressly subject to the following conditions:

1. Payment of any outstanding inspection fees
2. Consent of Surety from Travelers Casualty and Surety Company of America
3. All required certificates of insurance be properly filed with the Office of the Township Clerk

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

1. Township Engineer
2. Construction Official
3. Director of Community Development
4. Sprint Spectrum, L.P.
5. Asset Management Consultants
6. Travelers Casualty and Surety Company of America

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