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#15-111

**RESOLUTION OF THE TOWNSHIP COUNCIL OF
THE TOWNSHIP OF MANCHESTER, COUNTY OF
OCEAN, STATE OF NEW JERSEY, ACCEPTING AND
AUTHORIZING EXECUTION OF A SECOND AMENDMENT
TO THE SETTLEMENT AGREEMENT DATED
NOVEMBER 18, 2005 BY AND BETWEEN THE TOWNSHIP OF
MANCHESTER AND HERITAGE MINERALS, INC., ET AL**

WHEREAS, the Township of Manchester, County of Ocean, State of New Jersey (the “Township”) previously entered into a Settlement Agreement with Heritage Minerals, Inc., et als, which Settlement Agreement is dated November 18, 2005 (hereinafter referred to as “Settlement Agreement”); and,

WHEREAS, the Settlement Agreement detailed the manner in which certain property in the Township, owned by the developers, could be developed in the future; and,

WHEREAS, representatives of Heritage Minerals, Inc. have advised the Township that the Settlement Agreement needs to be modified in order to reflect that of the area anticipated to be developed, approximately 45 acres will no longer be allowed to be developed because of environmental restraints, and therefore the developer wishes to add a new, approximate, 45 acre tract to accommodate the area which is being lost as a result of the environmental restraints; and,

WHEREAS, the adding of approximately 45 acres to the developable area, after subtracting the same size area from that which will be developed (because of the environmental restraints) will have no adverse impact to the Township inasmuch as the same number of units are available to be developed in the proposed area of development as originally contemplated in the Agreement; and,

WHEREAS, the acceptance of the Agreement has been recommended by the Township Solicitor.

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NOW THEREFORE BE IT RESOLVED, this 23rd day of February, 2015, that the Township Council of the Township of Manchester, County of Ocean, State of New Jersey, as follows:

1. The Township accepts the recommendations of the Township Solicitor and authorizes acceptance and execution of the Second Amendment to the Settlement Agreement dated November 18, 2005, a true copy of which is on file with the Office of the Township Clerk and can be reviewed during normal business hours.
2. The Township authorizes and directs the Mayor, Township Clerk and Township Administrator to execute any and all necessary documents in order to implement the intend of this Resolution.
3. A copy of this Resolution shall be forwarded by the Township Clerk to the following:
 - a. Honorable Ken Palmer, Mayor
 - b. Chad Warnken, Esquire
 - c. Jerry J. Dasti, Esquire
 - d. Donna Markulic – Acting Business Administrator

CERTIFICATION

I, Sabina T. Skibo, Township Clerk of the Township of Manchester, Ocean County, New Jersey, do hereby certify the forgoing to be a true and correct copy of a Resolution adopted by the Township Council at a meeting on the 9th day of March, 2015.

Sabina T. Skibo, R.M.C.
Municipal Clerk