

RESOLUTION NO. 17-108

A RESOLUTION OF THE BOROUGH OF RED BANK, COUNTY OF MONMOUTH,
STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF A DEVELOPER’S
AGREEMENT WITH COUNT BASIE THEATRE, INC.

Councilwoman Horgan offered the following resolution and moved its approval:

WHEREAS, by Resolution No. Z-11598 (the “Resolution”) the Zoning Board of Adjustment of the Borough of Red Bank (the “ZBA”) granted Count Basie Theatre, Inc.’s application for site plan approval, “d”/height variance approval and bulk variance approval (collectively, “Approvals”) to expand its existing theater; and

WHEREAS, the Approvals call for certain improvements and Count Basie Theatre, Inc. has agreed to construct these improvements as shown on the submissions and records comprising the Count Basie Theatre, Inc.’s approved ZBA application (the “Site Plan”); and

WHEREAS, Condition “e” of the ZBA’s Resolution requires that Count Basie Theatre, Inc. enter into a Developer’s Agreement with the Borough of Red Bank to ensure the proper, appropriate, and timely completion and maintenance of the improvements that are the subject of the Approvals and the Site Plan; and

WHEREAS, the Borough Council desires to authorize the execution of the Developer’s Agreement attached hereto as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Borough of Red Bank, County of Monmouth, State of New Jersey, that:

- 1. The Mayor is hereby authorized to execute, and the Clerk to attest to the execution of the Developer’s Agreement with Count Basie Theatre, Inc., attached hereto as Exhibit A, which agreement was reviewed and approved by the Borough Attorney.
- 2. This resolution shall become effective immediately.
- 3. A certified copy of this resolution, together with a copy of the Developer’s Agreement, shall be forwarded to the Borough of Red Bank Zoning Board of Adjustment and Count Basie Theatre, Inc.

Seconded by Councilman Whelan and approved on roll call by the following vote:

| | Yes | No | Abstain | Absent |
|----------------------------|-------|-----|---------|--------|
| Councilman Yngstrom | (x) | () | () | () |
| Councilman Zipprich | () | () | () | (x) |
| Councilwoman Horgan | (x) | () | () | () |
| Councilwoman Schwabenbauer | () | () | () | (x) |
| Councilman Taylor | (x) | () | () | () |
| Councilman Whelan | (x) | () | () | () |

Dated: May 10, 2017