

**BOROUGH OF RED BANK**

**COUNTY OF MONMOUTH**

**RESOLUTION 15-216**

**RESOLUTION AUTHORIZING THE EXECUTION AND ENTRY INTO AN AMENDED PHASE 2 DEVELOPER'S AGREEMENT BETWEEN HOME AND LAND DEVELOPMENT CORP. AND THE BOROUGH OF RED BANK**

Councilman DuPont offered the following resolution and moved its adoption:

**WHEREAS**, RW@River's Edge LLC ("RW"), was the Developer of Block 82, Lot 17 and Block 83, Lots 5, 6.01 and 6.02 on the official Tax Map of the Borough of Red Bank, County of Monmouth and the State of New Jersey ( the "Development Project"); and

**WHEREAS**, RW had filed an application with the Red Bank Zoning Board of Adjustment for major sub-division approval, preliminary and final major site plan approval and for use and bulk variances, to effectuate the following:

- Demolition of 3 detached single family dwellings and associated garages;
- Construction of 10 attached single family dwellings;
- Construction of 1 two family dwelling; and
- Extension of Dr. James Parker Boulevard by approximately 45 feet.

**WHEREAS**, the above described application was granted and memorialized by Resolution No. dated Z 2008-31.

**WHEREAS**, at the time of the Initial Approvals, the Borough and the RW recognized that RW intended to make application to the Board of Adjustment for amended sub-division and major site plan approval to permit additional lots; and

**WHEREAS**, the Initial Approvals called for certain improvements that could be constructed while RW's application to the Board of Adjustment for Amended Relief was pending; and

**WHEREAS**, as a part of the performance guarantee for the Preliminary Improvements, the RW and the Borough entered into a Phase 1 Developer's Agreement ; and

**WHEREAS**, the RW filed an amended application to the Board of Adjustment for use variance, bulk variances, major subdivision approval, and preliminary and final major site plan approval, bearing Application No. 9425, to effectuate the following:

- Demolition of 3 detached single-family dwellings and associated garages;
- Construction of 13 attached single-family dwellings;
- Construction of 1 two-family dwelling; and
- Extension of Drs. James Parker Boulevard, by approximately 45 feet; and

**WHEREAS**, the Board of Adjustment granted preliminary and final major site plan approval and major subdivision approval, all in accordance with and subject to the conditions set forth in Board's Resolution Z 2010-23 ( the "Amended Approvals"); and

**WHEREAS**, the Amended Approvals required RW to enter into a Phase 2 Developer's Agreement with the Borough of Red Bank by the Council of the Borough of Red Bank; and

**WHEREAS**, the Council of the Borough of Red Bank approved a Phase 2 Developer's Agreement with RW; and

**WHEREAS**, RW did not move forward with the Development Project and has assigned/transferred its interests in the Development Project to Home and Land Development Corp. ( “Home and Land”); and

**WHEREAS**, Home and Land now desires to build the Development Project and it is necessary for Home and Land to enter into an amended Phase 2 Developer’s Agreement; and

**WHEREAS**, the Mayor and Council of the Borough of Red Bank deem it in the best interest of the Borough to enter into the proposed Amended Phase 2 Developer’s Agreement with Home and Land reflecting the Amended Approvals and conditions and requirements thereof in the form attached hereto and incorporated herein;

**NOW THEREFORE BE IT RESOLVED** that the Borough of Red Bank hereby authorizes the entry into the proposed an Amended Phase 2 Developer’s Agreement with Home and Land.

**BE IT FURTHER RESOLVED** that the Mayor of the Borough of Red Bank is hereby authorized to execute the proposed Amended Phase 2 Developer’s Agreement between Home and Land and the Borough of Red Bank in the form attached hereto and that Borough officials and employees are authorized to take all necessary actions in order to effectuate the terms and provisions of this Resolution and the Agreement attached hereto.

Seconded by Councilman Zipprich and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Vacant	( )	( )	( )	( )
Councilwoman Burnham	( x )	( )	( )	( )
Councilwoman Horgan	( x )	( )	( )	( )
Councilwoman Schwabenbauer	( x )	( )	( )	( )
Councilman Zipprich	( x )	( )	( )	( )
Councilman DuPont	( x )	( )	( )	( )

Dated: August 26, 2015