

**RESOLUTION
TOWNSHIP OF FRANKLIN
RESOLUTION AUTHORIZING THE SETTLEMENT OF THE MATTER
ENTITLED FRANKLIN TOWNSHIP v. DREW SULLIVAN UNDER
DOCKET NO.: GLO-C-20-12
R-118-12**

WHEREAS, the Township Committee filed suit in the Superior Court under Docket No. GLO-C-20-12 seeking to enjoin certain activities respecting 407 Blackwood Avenue and known on the tax maps of Franklin Township as Block 2001, Lot 16 alleging that the property owner was improperly removing soil in violation of Chapter 325-1 of the ordinances of Franklin Township; and

WHEREAS, the matter was scheduled for a plenary hearing before the Superior Court on the return of an Order to Show Cause on June 13, 2012; and

WHEREAS, at that time the Township Solicitor entered into a conditional settlement agreement with the Defendant subject to ratification by the Township Committee; and

WHEREAS, the terms and conditions of the settlement are as follows:

1. The Defendant is to provide a plan of regarding and reclamation to be submitted to the Township Engineer for review and approval;
2. The Defendant is to post an escrow account with the Township of Franklin Planning Office to compensate the Township Engineer for services rendered and to reimburse the Township of Franklin for all fees associated with the Township having brought the litigation in Superior Court;
3. The Defendant shall post a bond in the amount of 120% of the cost to reclaim the property for farming purposes following the re-grading;
4. The Defendant shall have six months to complete the re-grading and reclamation of the property for farming purposes;
5. The Defendant acknowledged through his counsel in open court the facial validity of Franklin Township Ordinance 325-1; and

WHEREAS, since that time the Defendant has provided the appropriate escrow amount and has provided plans to the Township Engineer.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Franklin, County of Gloucester, State of New Jersey that the Township Committee believes that the resolution of litigation without further expenditure of public

funds and that the posting of a bond adequately satisfies the Township as to any concerns it may have had, the Township Committee of the Township of Franklin be and hereby does ratify and approve the conditional settlement placed upon the record by the Solicitor on June 13, 2012 in the Superior Court of New Jersey.

ADOPTED at the regular meeting of the Township Committee of the Township of Franklin on Tuesday, June 26, 2012.

Attest:

Township of Franklin

Barbara Freijomil, Dep. Clerk

Joseph C. Petsch, Mayor

CERTIFICATION

I, Barbara Freijomil, Deputy Clerk of the Township of Franklin, do hereby certify that the foregoing Resolution was presented and duly adopted by the Township Committee at a meeting held on June 26, 2012.

Barbara Freijomil, Dep. Clerk