

TOWNSHIP OF FRANKLIN

R-56-18

RESOLUTION APPROVING SETTLEMENT

WHEREAS, Main Road filed a lawsuit entitled Main Road Materials, LLC v. Township of Franklin Planning Board, Township of Franklin Committee and Township of Franklin, bearing Docket No. L-652-16 in the Superior Court of New Jersey, Law Division, Gloucester County (“Main Road Litigation”) which was an Action in Lieu of Prerogative Writs whereby Main Road sought to enjoin the Township from taking action on Ordinance O-9-16 seeking to affirmatively prohibit resource extraction operations in the Township;

WHEREAS, Main Road is the contract purchaser of Block 1001, Lot 73 on the Official Tax Map of the Township of Franklin which is undeveloped land (“Property”);

WHEREAS, by Order dated September 13, 2017, the Superior Court of New Jersey, Law Division, Gloucester County, dismissed with prejudice the Main Road Litigation;

WHEREAS, on or about October 13, 2017, Main Road filed an appeal of the Order dismissing its complaint with prejudice to the Superior Court of New Jersey, Appellate Division;

WHEREAS, Main Road has approached the Township seeking to resolve all matters between the parties as well as the Main Road Litigation by seeking to preserve the Property as open space and/or green acres;

WHEREAS, Main Road and the Township have engaged in settlement negotiations;

WHEREAS, as a result of those settlement negotiations, all controversies between Main Road and the Township have been resolved; and

WHEREAS, the Governing Body is of the opinion that the settlement is in the best interests of the Township.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Franklin, County of Gloucester and State of New Jersey, for the reasons set forth above, that the settlement consistent with the terms set forth in the Final Settlement Agreement attached hereto as Exhibit “A” be and hereby is approved; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to implement this Resolution and execute any documents necessary in connection therewith.

ADOPTED at a regular meeting of the Township Committee of the Township of Franklin on March 27, 2018.

ATTEST:

TOWNSHIP OF FRANKLIN

Barbara Freijomil, Clerk

Leah Vassallo, Mayor

CERTIFICATION

I, Barbara Freijomil, Clerk of the Township of Franklin, do hereby certify that the foregoing Resolution was presented and duly adopted by the Township Committee at a regular meeting held March 27, 2018.

Barbara Freijomil, Municipal Clerk