

Resolution No. 2017-32

**RESOLUTION OF THE GOVERNING BODY
OF THE BOROUGH OF FRANKLIN
APPROVING THE ATTACHED PROPOSED DEVELOPERS AGREEMENT
BETWEEN THE BOROUGH OF FRANKLIN AND ADVANCE AUTO**

WHEREAS, on November 21, 2016, the Borough of Franklin Planning Board (the "Board") approved the Developer's application for preliminary and final site plan approval and dimensional variance relief (the "Board Approval") in connection with a development proposal for property located in the HC-2 Zone, which property is designated as Block 702, Lots 5, 6 and 7, on the official Tax Map of the Borough of Franklin, Sussex County, New Jersey (the "Property"); and

WHEREAS, the Board Approval (including all terms and conditions applicable thereto) is evidenced by a Resolution adopted by the Board on November 21, 2016 attached hereto as "Exhibit A" (the "Resolution"),

WHEREAS, the Developer is the owner of Block 702, Lot 7 and the contract purchaser of Block 702, Lots 5 and 6; and

WHEREAS, the Property is located on the east side of Route 23 at the intersection of Route 23 northbound and Mabie Street; and

WHEREAS, the Resolution authorizes the consolidation of Lots 5, 6 and 7 and the development of the combined lots with an Advance Auto Parts facility and related infrastructure (the "Development"); and

WHEREAS, pursuant to the letter of the Board Engineer dated March 9, 2017, attached hereto as "Exhibit B", the site improvements required for the Development are shown on the plans entitled "Preliminary and Final Major Site Plan", prepared by Stonefield Engineering & Design, LLC, dated 02/03/2016, revised through 12/21/2016 (the "Approved Plans"); and

WHEREAS, the Borough professionals, including the Borough Engineer, Planning Board Attorney and Borough Attorney have reviewed and recommended entry into the Developer's Agreement in the form as attached hereto at Exhibit C;

NOW, THEREFORE IT IS RESOLVED by the Council of the Borough of Franklin find that the development of the above-described project is in the best interests of the Borough and is hereby accepted by the Borough as more specifically described in the said approval; and

IT IS FURTHER RESOLVED by the Council of the Borough of Franklin that the said Developer's Agreement attached at Exhibit C is hereby approved, and the Borough

Administrator is authorized and empowered to affix her signature thereto on behalf of the Borough, with the additional authority to execute said document with minor revisions and changes that may be included hereafter following presentation to the Developer and it's legal counsel, with such minor changes being subject to approval of, and determined by, the review and discretion of the Borough Attorney in consultation with the Council President.

CERTIFICATION: I, Robin Hough, Municipal Clerk of the Borough of Franklin, in the County of Sussex, State of New Jersey do hereby certify that the foregoing is a true and correct copy of a Resolution adopted by the Governing Body of the Borough of Franklin at a regular meeting held on March 16, 2017.


 Robin Hough, Municipal Clerk

RECORD OF COUNCIL VOTES				
COUNCIL MEMBER	AYES	NAYES	ABSTAIN	ABSENT
ROBERT DABINETT	x			
DAWN FANTASIA	x			
JOSEPH LIMON	x			
MICHAEL RATHBUN	x			
STEPHEN SKELLENGER	x			
GILBERT SNYDER	x			
MAYOR GIORDANO (Tie Only)				CONFLICT