

**RESOLUTION**

**WHEREAS**, on February 10, 2009, the Township of West Orange (the “Township”) and Colonial Woods, L.L.C. (“Colonial”) entered into a Developer’s Agreement pertaining to Colonial’s development of real property in the Township designated as Block 173, Lot 12 and Block 172.29, Lot 40.02 on the Township’s tax maps (the “Developer’s Agreement”), a copy of which is annexed hereto as **Attachment “A”**; and

**WHEREAS**, on March 25, 2014, the Township, Colonial, and RNC Developers, Inc. (“RNC”) entered into an Amendment to the Developer’s Agreement (the “Amendment”), as the result of which Colonial assigned all of its obligations under the Agreement to RNC, a copy of which is annexed hereto as **Attachment “B”**; and

**WHEREAS**, Section 5.3.1.1. of the Developer’s Agreement provides that “[s]idewalks shall be installed on both sides of all streets unless a waiver is received from the Township Council”; and

**WHEREAS**, the development activities encompassed in the Developer’s Agreement include the extension, in a northerly direction, of Nance Road and Colonial Woods Drive; and

**WHEREAS**, RNC has sought, pursuant to Section 5.3.1.1. of the Developer’s Agreement, a waiver of its obligation to install sidewalks on both sides of Nance Road and Colonial Woods Drive, and has thereby sought permission to install sidewalks on only one side of the foregoing streets; and

**WHEREAS**, the Township Engineer is familiar with the Developer’s Agreement, and is familiar specifically with Nance Road, Colonial Woods Drive, and the surrounding area; and

**WHEREAS**, the Township Engineer has recommended that RNC be granted a waiver of its obligation to install sidewalks on both sides of Nance Road and Colonial Woods Drive, and that RNC therefore be permitted to install a sidewalk on the easterly side of Nance Road and a sidewalk on the southerly/westerly side of Colonial Woods Drive, on the condition that the sides

of Nance Road and Colonial Woods Drive upon which sidewalks are not installed are nonetheless graded in accordance with all applicable regulations;

**NOW, BE IT HEREBY RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE** that, pursuant to Section 5.3.1.1. of the Developer's Agreement, RNC is granted a waiver of its obligation to install sidewalks on both sides of Nance Road and Colonial Woods Drive, and is instead directed to install a sidewalk on the easterly side of Nance Road and a sidewalk on the southerly/westerly side of Colonial Woods Drive, and further directed to ensure that the sides of Nance Road and Colonial Woods Drive upon which sidewalks are not installed are nonetheless graded in accordance with all applicable regulations; and

**BE IT FURTHER RESOLVED**, that this Resolution shall be made available in the Clerk's office for reasonable inspection in accordance with applicable law.

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**Karen J. Carnevale,**  
**Municipal Clerk**

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**Jerry Guarino,**  
**Council President**

**Adopted: April 28, 2015**