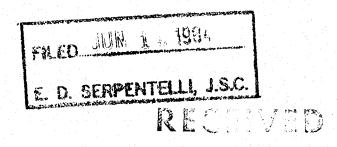
Attorney's Fees

7-23-84

O & Y V. Old Bridge

Amendment to Conglant re's Fees

195.3 AF000020C



AUG 2 1904

HANNOCH, WEISMAN, STERN, BESSER, BERKOWITZ & KINNEY CHAMBERS

A PROFESSIONAL CORPORATION 744 BROAD STREET NEWARK, NEW JERSEY 07102 (201) 621-8800 ATTORNEYS FOR Plaintiff

JOHN TO MAYSON Web ich

O & Y OLD BRIDGE DEVELOPMENT CORP., a Delaware Corporation,

Plaintiff

SUPERIOR COURT OF NEW JERSEY LAW DIVISION MIDDLESEX COUNTY/OCEAN COUNTY DOCKET NO. L-009837-84

٧.

THE TOWNSHIP OF OLD BRIDGE in . : the COUNTY OF MIDDLESEX, a municipal corporation of the State of New Jersey, THE TOWN-SHIP COUNCIL OF THE TOWNSHIP OF OLD BRIDGE and the PLANNING BOARD OF THE TOWNSHIP OF OLD BRIDGE,

Defendants

Civil Action

AMENDMENT TO COMPLAINT (Mt. Laurel II)

Service

Plaintiff, O & Y Old Bridge Development Corp., as and for its Amendment to the Complaint hereby states:

FIFTH COUNT

- 1. DEVELOPMENT CORP. repeats the allegations set forth in the First through Fourth Counts and incorporates them as if set forth herein.
- 2. The Old Bridge Township Sewerage Authority ("SEWERAGE AUTHORITY") was created by virtue of an Ordinance duly and

toward the funded cost of the UTILITIES AUTHORITY's existing system that would be used by plaintiff; and

- (d) In the event that all or any portion of the potable water system upstream from the point of connection to any residential, industrial or commercial unit is to be constructed by plaintiff, the UTILITIES AUTHORITY should provide full and complete credit to plaintiff for all such facilities constructed by plaintiff.
- 4. The fees detailed in paragraph 4 of the Seventh Count constitute an invalid municipal exaction in violation of the New Jersey Supreme Court's decision in Mt. Laurel II.

WHEREFORE, DEVELOPMENT CORP. demands judgment as follows:

- 1. Declaring the rules and regulations of the UTILITIES AUTHORITY invalid in their entirety.
- 2. Determining a schedule of reasonable rules and regulations especially with regard to required application, inspection, review and connection fees as the Court may deem proper to effectuate any Mt. Laurel II builder's remedy awarded plaintiff.
- 3. Requiring the UTILITIES AUTHORITY to accept and process DEVELOPMENT CORP.'s application for water service diligently and without undue or unjustified delay.
- 4. Requiring Defendants to pay DEVELOPMENT CORP.'s counselfees and costs of suit.

5. Ordering such further relief as the Court deems just and proper.

HANNOCH, WEISMAN, STERN, BESSER, BERKOWITZ & KINNEY, P.A., Attorneys for Plaintiff

ЗУ____

TODD M. SAHNER,

A Member of the Firm

Dated: July 23, 1984