

RESOLUTION NO. 2022-091

RESOLUTION OF THE TOWNSHIP OF LITTLE EGG HARBOR, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE RELEASE OF MAINTENANCE GUARANTEE POSTED FOR THE PRIMAX PROPERTIES – TRACTOR SUPPLY

WHEREAS, the Township of Little Egg Harbor required the posting of a maintenance guarantee by Primax Properties to ensure the maintenance of on-site improvements for Tractor Supply, Block 287, Lot 9.01, in the amount of \$10,245.60, consisting of a Bond dated September 9, 2014, issued by The Ohio Casualty Insurance Company; and

WHEREAS, the Township Engineer has inspected the site and has determined that all bonded improvements have been maintained in substantial compliance with the Board approvals and recommends release of the maintenance guarantee, conditioned on the payment of any outstanding fees due the municipality, including, but not limited to, engineering and attorneys' fees, as well as reimbursement for the costs of any outstanding construction inspection fees.

NOW, THEREFORE, BE IT RESOLVED, by the governing body of the Township of Little Egg Harbor, County of Ocean, State of New Jersey as follows:

1. That the governing body does hereby authorize the release of the maintenance bond posted by Primax Properties for Tractor Supply, Block 287, Lot 9.01 in the amount of \$10,245.60, consisting of a bond dated September 9, 2014, issued by The Ohio Casualty Insurance Company.
2. That the release of the aforementioned maintenance bond is specifically conditioned upon the payment of any outstanding fees due the

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municipality, including, but not limited to, engineering and attorneys' fees, as well as reimbursement for the costs of any outstanding construction inspection fees.

4. That a certified copy of this resolution be forwarded to the Chief Financial Officer, the Township Engineer and Primax Properties.

CERTIFICATION

I, **KELLY LETTERA**, Municipal Clerk of the Township of Little Egg Harbor, do hereby certify that the foregoing resolution was duly adopted by the Township of Little Egg Harbor Township Committee at a meeting held on the 10th day of **March, 2022**.



KELLY LETTERA, RMC
Township Clerk
Township of Little Egg Harbor

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YOUR GOALS. OUR MISSION.

TO: Kelly Lettera, Township Clerk
FROM: Jason A. Worth, P.E., Township Engineer
DATE: February 28, 2022
REF: T&M FILE NO. LEHT-G2201
REQUEST FOR RELEASE OF MAINTENANCE GUARANTEE
PRIMAX PROPERTIES - TRACTOR SUPPLY
BLOCK 287, LOT 9.01
TOWNSHIP OF LITTLE EGG HARBOR, OCEAN COUNTY, NJ

Dear Ms. Lettera:

Our office has received a request from your office for Release of the Maintenance Bond for the above referenced project. Tractor Supply is located on Route 9 approximately 1,100 feet west of Wisteria Lane and includes a 19,000 square foot retail store, parking lot, stormwater management area, and associated site improvements. A review of our files indicates that a Maintenance Guarantee in the amount of \$10,245.60 was posted with the Township Clerk's Office to assure the complete maintenance of the public improvements as set forth in the Bond Estimate prepared by T&M Associates.

The Maintenance Guarantee consists of a bond dated September 9, 2014, issued by The Ohio Casualty Insurance Company in the amount of \$10,245.60.

At the request of the developer, this office has conducted construction observation of site improvements to ascertain the status of the completed improvements covered by the bond. **It is our determination that all bonded improvements have been maintained in substantial compliance with the Board approvals.**

In accordance with the Municipal Land Use Law and the Township Ordinance, the governing body must either approve, partially approve or reject the improvements on the basis of the report of the Township Engineer. **Accordingly, it is our recommendation to the Township Committee that the request for Release of the Maintenance Guarantee be granted.**

The Mayor and Township Committee must act on the applicant's request for Release of the Maintenance Guarantee no later than 45 days after receipt of the notice and must notify the applicant of their decision in writing by certified mail. By copy of this letter to Melanie Appleby, Township Attorney, we recommend that she prepare a resolution suitable for adoption by the Mayor and Committee at its next regular meeting.

Should the Committee have any questions regarding any of the above, please feel free to contact me at your convenience.

cc: Township Committee
Rodney Haines, Township Administrator/CFO
Melanie Appleby, Township Attorney

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