

RESOLUTION NO. 2018 – 174

RESOLUTION OF THE TOWNSHIP OF LITTLE EGG HARBOR, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE PARTIAL RELEASE OF A PERFORMANCE GUARANTEE POSTED BY THE WILLOWS AT LITTLE EGG HARBOR

WHEREAS, the Township of Little Egg Harbor required the posting of a performance guarantee for the installation of certain on-site improvements in regard to the approval given for construction of the The Willows at Little Egg Harbor, Block 292, Lot 10.01 located at the intersection of Radio Road and Oak Lane; and

WHEREAS, The Willows at Little Egg Harbor posted the Performance Guarantee in the amount of \$247,038.00, posted the Performance Guarantee which consists of a bond (#30025181) issued by Western Surety Company in the amount of \$222,334.20 and a cash bond in the amount of \$24,703.80; and

WHEREAS, the Township Engineer has received a request from the developer for a release of the performance guarantee; and

WHEREAS, the Township Engineer has inspected the site and has determined that all of the bonded improvements have not been completed in substantial compliance with the Board approvals; and

WHEREAS, the Township Engineer has estimated the value of improvements that remain to be completed at \$12,160.00; and

WHEREAS, the Township Engineer has recommended the partial release of the Performance Bond, conditioned on the posting of a new Performance Guarantee in the amount of \$74,111.40, which is equal to 30% of the original Performance Guarantee. The Performance Guarantee should consist of a Bond in the amount of \$66,700.26 and a cash bond in the amount of \$7,411.14 or in the alternative, a Letter of Credit in the amount of \$74,111.40. Deposit of the new surety guarantee with the Township Clerk, which shall be in a form approved by the Township Attorney, should be made prior to the release of the original performance guarantee.

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 partial release of the Performance Bond conditioned on the posting of a new Performance Guarantee for \$74,111.40 which is equal to 30% of the original Performance Guarantee. The Performance Guarantee should consist of a Bond in the amount of \$66,700.26 and a cash bond in the amount of \$7,411.14 or in the alternative, a Letter of Credit in the amount of \$74,111.40. Deposit of the new surety guarantee, which shall be in a form approved by the Township Attorney, with the Township Clerk should be made prior to the release of the original performance guarantee amount of \$247,038.00, posted the Performance Guarantee which consists of a bond (#30025181) issued by Western Surety Company in the amount of \$222,334.20 and a cash bond in the amount of \$24,703.80.

2. That a certified copy of this resolution be forwarded to the Chief Financial Officer, the Township Engineer and the Applicant, The Willows at Little Egg Harbor.

Motion to Approve: *Stevens* Second: *Crea* Roll Call:

Crea	<u>yes</u>
Gormley	<u>yes</u>
Kehm	<u>yes</u>
Schlick	<u>Absent</u>
Stevens	<u>yes</u>

CERTIFICATION

I, **DIANA K. MCCRACKEN, RMC**, 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 9th day of **August, 2018**.

Diana K. McCracken, RMC
DIANA K. MCCRACKEN, Township Clerk
Little Egg Harbor Township