

RESOLUTION 2026-150

RESOLUTION OF THE TOWNSHIP OF LITTLE EGG HARBOR, COUNTY OF OCEAN, STATE OF NEW JERSEY, AUTHORIZING THE RELEASE OF PERFORMANCE GUARANTEE POSTED FOR ON-SITE LANDSCAPING BY WAL-MART STORES, INC. D/B/A/ STORE 3830 FOR BLOCK 278, LOT 13.01

WHEREAS, the Township of Little Egg Harbor required the posting of a Performance Guarantee by Wal-Mart Stores, Inc. d/b/a Store 3830 for the on-site landscaping at Block 278, Lot 13.10 on the Tax Map of the Township of Little Egg Harbor; and

WHEREAS, Wal-Mart Stores, Inc. d/b/a/ Store 380 posted said Performance Guarantee, consisting of bond #09220378 issued by Fidelity and Deposit Company of Maryland, dated July 1, 2016 in the amount of \$56,904.00, to assure the complete installation of on-site landscaping improvements; and

WHEREAS, the Township Engineer has determined that all bonded improvements have been completed in substantial compliance with the Board approvals; and

WHEREAS, the governing body authorizes the release of the performance guarantee posted as bond #09220378 issued by Fidelity and Deposit Company of Maryland, dated July 1, 2016 in the amount of \$56,904.00.

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 Performance Guarantee posted by Wal-Mart Stores, Inc. d/b/a/ Store 380 consisting of bond #09220378 issued by Fidelity and Deposit Company of Maryland, dated July 1, 2016 in the amount of \$56,904.00, posted to assure the complete installation of on-site landscaping improvements.

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Rothstein, Mandell, Strohm,
Halm & Cipriani, P.A.
ATTORNEYS AT LAW

98 East Water Street
Toms River, NJ 08753


o: 732.363.0777
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2. That the release of the aforementioned Performance Guarantee is also conditioned upon 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.

3. That a certified copy of this Resolution be forwarded to the Chief Financial Officer, Interim Township Administrator, Township Engineer and Wal-Mart Stores, Inc. d/b/a/ Store 380.

CERTIFICATION

I, **KELLY LETTERA, RMC, CMC**, 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 14th day of May, 2026.



KELLY LETTERA, RMC, CMC
Township Clerk
Little Egg Harbor Township

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| YOUR GOALS. OUR MISSION.

TO: Kelly Lettera, Interim Township Administrator/Clerk-
FROM: Jason A. Worth, P.E., Township Engineer
DATE: April 14, 2026
REF: T&M FILE NO. LEHT-I1784
REQUEST FOR RELEASE OF PERFORMANCE GUARANTEE
ON-SITE LANDSCAPING
WALMART - BLOCK 278 LOT 13.01
TOWNSHIP OF LITTLE EGG HARBOR, OCEAN COUNTY, NJ

Dear Ms. Lettera:

Our office has received a request from the developer for Release of the Performance Guarantee for the above-referenced project. A review of our files indicates that Wal-Mart Stores, Inc. dba Store 3830 posted a Performance Guarantee in the amount of \$56,904.00, with the Township Clerk's Office to assure the complete installation of on-site landscaping improvements.

The Performance Guarantee consists of a bond #09220375, issued by Fidelity and Deposit Company of Maryland, dated July 1, 2016, in the amount of \$56,904.00.

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 completed 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 Performance Bond be granted.

The Mayor and Township Committee must act on the applicant's request for Release of the Performance Bond 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.

Based on the landscaping being on-site improvements, which are no longer bonded for, and the time that has passed we would recommend that any requirement for a maintenance bond be waived.

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

cc: Township Committee
Melanie Szuba, Township Attorney

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Date: 2/5/2026

To the Attention of:

Kelly Lettera
Little Egg Harbor Township
605 Radio Road
Little Egg Harbor, NJ 08087

Subject: Release request of outstanding Performance Bond by Fidelity and Deposit CO. of Maryland for landscaping improvements issued July 1, 2016, associated with the Walmart store located at 631 US-9.

Please be advised that Walmart authorizes and requests that the above referenced Landscape Bond be released as all work has been confirmed to be completed

Please contact the PMD over the project or the CEC, Bohler LLC, for further information