

**RESOLUTION**

Councilmember offered the following resolution and moved its adoption;  
seconded by Councilmember

**WHEREAS**, the Municipal Land Use Law (N.J.S.A. 40:55D-53) permits the Township of Ocean to accept certain improvements and to release performance guarantees posted by developers when said improvements have been certified as complete by the Township Engineer; and

**WHEREAS**, Kitchell Contracting, LLC has heretofore deposited with the Township of Ocean cash performance guarantees totaling \$12,672.00 along with engineering inspection fees totaling \$2,960.00 to guarantee the completion of all improvements on premises known as Block 10, Lot 25 also known as 200 Park Avenue;

**WHEREAS**, Gregory S. Blash, P.E., representing the Township Engineer has advised the Township Manager by letter dated October 21, 2009 a copy of which is on file in the Office of the Township Clerk and made a part hereof, that since a replacement guarantee by another developer has been posted with the Township, the said representative of the Township Engineer recommends the release of the aforementioned performance guarantees and waiver of the maintenance guarantees subject to the payment of any outstanding engineering and administrative fees; and

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean in the County of Monmouth, that the performance guarantees hereinbefore referred to be and the same are hereby released, canceled and discharged as per the aforesaid memorandum of Gregory S. Blash.

**BE IT FURTHER RESOLVED** that the inspection escrows shall be held pending payments for engineering and administrative fees.

**BE IT FURTHER RESOLVED** that a copy of this resolution, certified to be a true copy, be forwarded to the following:

1. Kitchell Contracting, LLC
2. Township Engineer
3. Director of Finance
4. Director of Community Development
5. Construction Official

**ROLL CALL:** Garofalo, Hiers, Schepiga, Siciliano, Larkin

**CERTIFICATION**

*I hereby certify that this is a true copy of a resolution passed by the Township of Ocean Governing Body at their meeting held on **November 9, 2009**.*

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Vincent Buttiglieri, RMC/CMC  
Township Clerk