

**RESOLUTION**

**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**, the Township Council did authorize and enter into a developer's agreement dated December 15, 1993 with Bertucci's Brick Oven Pizzeria to install certain improvements on property described as Block 34, Lot 22 located at 1910 Highway 35; and

**WHEREAS**, Bertucci's Brick Oven Pizzeria has heretofore deposited with the Township of Ocean performance guarantees totaling \$89,904.00, in the form of a Performance Bond issued by The Hartford Fire Insurance Company in the amount of \$80,913.60 and cash in the sum \$8,990.40 to guarantee the completion of all improvements on premises known as Block 34, Lot 22 located at 1910 Highway 35; and

**WHEREAS**, Gregory S. Blash, P.E., representing the Township Engineer has advised the Township Manager by letter dated April 1, 2011, a copy of which is on file in the Office of the Township Clerk and made a part hereof, recommending the release of the aforementioned performance guarantees and the waiver of the maintenance guarantees because the project is over fifteen (15) years old; 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 from Gregory S. Blash, P.E. subject to the payment of any outstanding 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. Township Engineer
2. Director of Community Development
3. Construction Official
4. Director of Finance
5. Bertucci's Brick Oven Pizzeria
6. The Hartford Fire Insurance Company

Record of Vote	Councilman Garofalo	Councilwoman Schepiga	Councilman Siciliano	Councilman Evans	Mayor Larkin
Motion To Approve					
Motion to Second					
Approved					
Opposed					
Not Voting/Recuse					
Absent/Excused					

**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 **May 16, 2011**.*

\_\_\_\_\_  
 Vincent Buttiglieri, RMC/CMC  
 Township Clerk

