

**RESOLUTION**

**WHEREAS**, the Municipal Land Use Law (N.J.S.A. 40:55-D-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 November 5, 2003 with Food Circus Supermarkets, Inc., commonly known as Foodtown, for Minor Site Plan approval to reconfigure a previously approved site plan and add a drop-off/pickup driveway for property described as Block 182, Lots 7, 74, 75 and 78 located at Deal Road and Route 35; and

**WHEREAS**, Food Circus Supermarkets, Inc. has heretofore deposited with the Township of Ocean cash performance guarantees totaling \$114,822.18 to guarantee the completion of all improvements on premises known as Block 182, Lots 7, 74, 75 and 78; and

**WHEREAS**, Food Circus Supermarkets, Inc. requested a reduction in said performance guarantees to the sum of \$34,446.65 and said reduction was granted per resolution dated December 19, 2005; and

**WHEREAS**, Gregory S. Blash, P.E., representing the Township Engineer has advised the Township Manager by letter dated March 25, 2010, 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 since the project was completed over four years ago; 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 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 Finance
3. Construction Official
4. Director of Community Development
5. Food Circus Supermarkets, Inc.

**CERTIFICATION**

*I hereby certify that this is a true copy of a resolution passed by the Township Council at their meeting held on **April 19, 2010**.*

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 Vincent Buttiglieri, RMC/CMC  
 Township Clerk

Record of Vote	Deputy Mayor Hiers	Councilman Garofalo	Council-woman Schepiga	Councilman Siciliano	Mayor Larkin
Motion To Approve					
Motion to Second					
Approved					
Opposed					
Not Voting/Recuse					
Absent/Excused					