

**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 July 7, 2010, with the Italian American Association of the Township of Ocean, Inc. for Site Plan Approval with Variances and Waivers for the purpose of legitimizing an existing enclosure of an outdoor freezer, enclosing a bocce court and providing a trash area for the property described as Block 189, Lots 6 and 9 located at 1110 Highway 35; and

**WHEREAS**, the Italian American Club of the Township of Ocean, Inc. has heretofore deposited with the Township of Ocean performance guarantees totaling \$15,240.00 by way of a cash bond to guarantee the completion of all improvements on premises known as Block 189, Lots 6 and 9 located at 1110 Highway 35; and

**WHEREAS**, the Township Council granted a reduction of the performance guarantees to \$4,572.00 by way of resolution dated January 10, 2011; and

**WHEREAS**, Gregory S. Blush, P.E., representing the Township Engineer has advised the Township Manager by letter dated May 3, 2011, a copy of which is on file in the Office of the Township Clerk and made a part hereof, that the improvements have been substantially completed.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Ocean, in the County of Monmouth, that improvements hereinbefore referred to be and the same are hereby accepted as per the aforesaid memorandum of Gregory S. Blush and the performance guarantees in the amount of \$4,572.00 are hereby released, canceled and discharged subject to the following:

1. Receipt of a maintenance bond in the sum of \$1,905.00, said maintenance bond to run for a period of two (2) years to cover maintenance of all improvements constructed under the original performance guarantee, approved as to substance and form by the Township Attorney
2. Payment of pending and future engineering inspection and administrative fees in an amount to be determined by the Township Engineer to cover the estimated inspection fees
3. All required certificates of insurance be properly filed with the office of the Township Clerk

**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. Director of Community Development
4. Construction Official
5. Italian American Association of the Township of Ocean, Inc.

Record of Vote	Councilman Garfield	Councilwoman Scheming	Councilman Sicilian	Councilman Evans	Mayor Larkin
Motion To Approve					
Motion to Second					
Approved					
Opposed					
Not Voting/Recluse					
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.***

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 Vincent Buttiglieri, RMC/CMC  
 Township Clerk