

RESOLUTION

WHEREAS, Big Steak, Inc. t/a as Ruth’s Chris Steak House now known as Manhattan Steakhouse is the occupant of property known as Block 3, Lots 13, 14, 15 in the C-3 (General Commercial) Zone located at 2105 Highway 35 in the Township of Ocean, County of Monmouth, State of New Jersey; and

WHEREAS, the occupant was granted minor site plan approval by the Township of Ocean Planning Board by way of Resolution dated January 26, 1998 for the construction of an enclosure over an existing patio; and

WHEREAS, a condition of the resolution was the establishment of an escrow account to cover the costs for the review of the revised landscape and site plans by the Board Planner and the Township Engineer; and

WHEREAS, 2105 Highway 35 Associates, LLC, owners of the shopping center where Manhattan Steakhouse was a tenant, posted the required fees on May 18,1998; and

WHEREAS, the Township Clerk is in receipt of a letter dated February 3, 2010 from 2105 Highway 35 Associates, LLC requesting the release of any monies left in the escrow account; and

WHEREAS, Gregory S. Blash, P.E., representing the Township Engineer has advised the Township Manager by way of letter dated March 12, 2010, a copy of which is on file in the Office of the Township Clerk and made a part hereof, that the original cash bond is covered by a new bond posted by 2105 Highway 35 Associates, LLC and recommends the release of the original performance guarantees.

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, 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 Finance
3. Director of Community Development
4. Construction Official
5. 2105 Highway 35 Associates, LLC

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 18, 2010.***

 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					