

**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 February 17, 1999 with Star Enterprises, Inc. now known as Motiva Enterprises, LLC for Preliminary and Final Site Plan approvals as well as use and bulk variances described as Block 34, Lot 3.01 located at 805-807 Deal Road; and

**WHEREAS**, Motiva Enterprises, LLC has heretofore deposited with the Township of Ocean performance guarantees totaling \$205,479.12, in the form of Performance Bond No. 061SB103576719BCM by Travelers Casualty and Surety Company of America in the amount of \$184,931.21 and cash in the amount of \$20,547.91 to guarantee the completion of all improvements on premises known as Block 34, Lot 51; and

**WHEREAS**, Gregory S. Blash, P.E., representing the Township Engineer has advised the Township Manager by letter dated January 12, 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 in 1999; 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. Motiva Enterprises, LLC
6. Travelers Casualty and Surety Company of America

**CERTIFICATION**

*I hereby certify that this is a true copy of a resolution passed by the Township Council at their meeting held on **February 10, 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					