

**RESOLUTION**

Councilmember offered the following resolution and moved its adoption;  
seconded by Councilmember

**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 May 18, 2009 with Omnipoint Communications, Inc./T-Mobile USA, Inc. for preliminary and final minor site plan approval with conditional use permit described as Block 1.05, Lot 2 located at 2108 Kings Highway; and

**WHEREAS**, Omnipoint Communications, Inc./T-Mobile USA, Inc. has heretofore deposited with the Township of Ocean performance guarantees totaling \$1,860.00, in the form of Performance Bond No. 070007522 issued by Liberty Mutual Insurance Company in the amount of \$1,674.00 and cash in the amount of \$186.00 to guarantee the completion of all improvements on premises known as Block 1.05, Lot 2; and

**WHEREAS**, Gregory S. Blash, P.E., representing the Township Engineer has advised the Township Manager by letter September 18, 2009 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 the improvements hereinbefore referred to be and the same are hereby accepted as per the aforesaid memorandum of Gregory S. Blash and the performance guarantees in the amount of \$1,860.00 are hereby released, canceled and discharged subject to the following:

1. Receipt of a maintenance bond in the sum of \$232.50 and said maintenance bond to run for 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 the 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. Construction Official
4. Director of Community Development
5. Metro PCS New York, LLC
6. Liberty Mutual Insurance Company

**ROLL CALL:** Garofalo, Hiers, Schepiga, Siciliano, Larkin

**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 **October 19, 2009.***

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Vincent Buttiglieri, RMC/CMC  
Township Clerk