

RESOLUTION

WHEREAS, on August 16, 2001 the Planning Board of the Township of Ocean did approve the application of Rolling Meadows at Wayside, LLC for a final major subdivision approval for Phase III for the Rolling Meadows at Wayside project located on Block 1, Lots 14, 22, 22.01, 23.01, 24, 25, 26, 27, 28, 38, 39, 40, 41, & 42 in the R-1 (Low Density Single Family Residential) Zone on Green Grove Road/Hope Road and West Park Avenue; and

WHEREAS, the Township Council did authorize and enter into a Developer's Agreement dated February 12, 2003 with Rolling Meadows at Wayside, LLC; and

WHEREAS, Rolling Meadows at Wayside, LLC posted performance guarantees totaling \$2,022,586.20 in the form of Performance Bond No. 0350939 issued by First Indemnity of America Insurance Company, Parsippany, NJ in the amount of \$1,820,327.58 along with cash in the amount of \$202,258.62; and

WHEREAS, the Township Council granted a reduction of the performance guarantees to \$627,401.46 by resolution dated March 22, 2006; and

WHEREAS, the Township Clerk is in receipt of a letter from Susan L. Berninger, PE, PP, on behalf of Rolling Meadows at Wayside, LLC dated May 17, 2011, requesting a release of the performance guarantees; and

WHEREAS, William H.R. White, III, P.E., P.P. C.M.E., C.F.M., of Maser Consulting P.A., representing the Project Engineer has advised the Township Clerk by letter dated June 2, 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 the improvements hereinbefore referred to be and the same are hereby accepted as per the aforesaid memorandum of William H.R. White, III, P.E., P.P., C.M.E., C.F.M. and the performance guarantees in the amount of \$627,401.46 are hereby released, canceled and discharged subject to the following:

1. Receipt of a maintenance bond in the sum of \$186,047.94 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 Community Development
3. Construction Official
4. Director of Finance
5. International Fidelity Insurance Company

| Record of Vote | Councilman Garofalo | Councilwoman Schepiga | Councilman Siciliano | Councilman Evans | Mayor Larkin |
|-------------------|---------------------|-----------------------|----------------------|------------------|--------------|
| Motion To Approve | | | | | |
| Motion to Second | | | | | |
| Approved | | | | | |
| Opposed | | | | | |
| Not Voting/Recuse | | | | | |
| 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 **June 13, 2011.***

 Vincent Buttiglieri, RMC/CMC
 Township Clerk

