

RESOLUTION 2017 - 385

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY, DENYING THE RELEASE FOR A REQUEST OF THE PERFORMANCE GUARANTEE FOR RIGHT-OF-WAY IMPROVEMENTS AFFECTING BLOCK 92.111, LOT 42.08, LIGHTHOUSE DRIVE, BARNEGAT TOWNSHIP, NEW JERSEY

WHEREAS, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey (hereinafter referred to as the “Township”) has received a request to release the right-of-way improvements performance bond posted by the owner, Wawa, Inc. for property known and designated as Block 92.111, Lot 42.08 a/k/a Lighthouse Drive (hereinafter referred to as the “property”); and

WHEREAS, the Township has received and carefully considered a letter of recommendation from the Township Engineer, John J. Hess, P.E., P.P. dated October 23, 2017; and

WHEREAS, the letter of recommendation is to the effect that the performance bond should not be released inasmuch as there are additional items as set forth in the aforementioned letter, which need to be addressed and corrected; and

WHEREAS, the Township believes that the recommendations of the Township Engineer are appropriate and reasonable, and in accordance with the Township Land Use Ordinance.

NOW, THEREFORE, BE IT RESOLVED, this 14th day of November, 2017, by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, as follows:

**DASTI, MURPHY
McGUCKIN, ULAKY,
KOUTSOURIS & CONNORS**

COUNSELLORS AT LAW

620 WEST LACEY ROAD
P.O. BOX 1057
FORKED RIVER, N.J. 08731

1. The Township accepts the recommendations of its consulting engineer for the project and rejects the request to release the performance bond for the reasons set forth in the October 23, 2017 letter from the Township Engineer, John J. Hess, P.E.

2. The Township authorizes and directs the Mayor, Township Clerk, and Township Administrator to execute any and all necessary documents in order to implement the intent of this resolution.

3. A certified copy of this resolution shall be forwarded by the Township Clerk to the following:

- (a) Honorable Al Bille, Mayor;
- (b) Martin Lisella, Township Administrator;
- (c) Jerry J. Dasti, Esquire;
- (d) John J. Hess, P.E., P.P.;
- (e) Tom Lombarski, CFO, Township of Barnegat; and
- (f) C. Justin McCarthy, Esquire, attorney for applicant.

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Township of Barnegat at a meeting held on November 14, 2017, a quorum being present and voting in the majority.

MICHELE RIVERS, RMC, TOWNSHIP CLERK

Prepared by:

**DASTI, MURPHY, McGUCKIN, ULAKY,
KOUTSOURIS & CONNORS**
Forked River, New Jersey 08731

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