

## RESOLUTION 2018 - 59

### RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY, DENYING THE REQUEST FOR THE RELEASE OF SITE IMPROVEMENT MAINTENANCE BOND FOR HERITAGE POINT NORTH, SECTION 6A

**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 from the developer Mignatti Companies for Heritage Point North, Section 6A (hereinafter collectively referred to as the "property") for a release of the Site Improvement Maintenance Bond LOC #SB1597650001, for the property; and

**WHEREAS**, under the Municipal Land Use Law, maintenance bonds remain in effect for a period of two years, and

**WHEREAS**, in conjunction therewith, the Township has received a carefully reviewed letter of recommendation dated December 11, 2017 from its consulting engineer for the project, CME Associates, John J. Hess, PE, PP; and

**WHEREAS**, in this regard, the above consulting engineer has inspected the site and found that the items in the engineer's letter dated December 11, 2017 must be corrected prior to release of the maintenance bond #SB1597650001; and

**WHEREAS**, the letter of recommendation is to the effect that the request should be denied for the reasons set forth in letter dated December 11, 2017.

**WHEREAS**, the Township finds that the recommendations of its consulting engineer are appropriate and in the long term best interests of the Township and its residents, and in compliance with the Township's Land Use Ordinance.

**NOW, THEREFORE BE IT RESOLVED**, this 1<sup>st</sup> day of January, 2018 by the Barnegat Township Committee, as follows:

1. The Township accepts the recommendations of its consulting engineer for the project and denies the request for a release of the Site Improvement Maintenance Bond, #SB1597650001.
2. The Site Improvement Maintenance Bond shall not be released until all items set forth in the letter of recommendation dated December 11, 2017 are fully complied with, corrected and approved by the consulting engineer.
3. The Township authorizes and directs the Mayor, Township Clerk and the Township Administrator to execute any and all necessary documents in order to implement the intent of this Resolution.

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution shall be forwarded by the Township Clerk to:

- (a) John Hess, P.E
- (b) Mignatti Companies;
- (c) M & T Bank, 1800 Washington Boulevard, 8<sup>th</sup> Floor, MC-MD1-MP37, Baltimore, MD 21230
- (d) Scott D. Taylor, LLA, PP, LEED AP, Taylor Design Group

**CERTIFICATION**

I, Michele A. Rivers, Municipal Clerk of the Township of Barnegat, County of Ocean, State of New Jersey do hereby certify that the foregoing resolution was duly adopted by the Barnegat Township Committee at their meeting held at the Municipal Complex, 900 West Bay Avenue, Barnegat, New Jersey, on the 1<sup>st</sup> day of January, 2018.

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Michele A. Rivers, RMC  
Municipal Clerk