

**RESOLUTION NO. 2020-177**

**A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN AND STATE OF NEW JERSEY AUTHORIZING THE RELEASE OF A PERFORMANCE GUARANTEE FOR WATER SYSTEM FACILITIES TO DR HORTON FOR SEACREST PINES, PHASE I UPON THE POSTING OF A 2-YEAR MAINTENANCE BOND & ADDITIONAL ITEMS**

**WHEREAS**, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey (the “Township”) has received a request from Developer DR Horton (the “Applicant”) requesting the release of a Performance Guarantee Bond No. SNN4004777 for the water system facilities improvements for the development known as Seacrest Pines, Phase I (the “Project”); and

**WHEREAS**, the site improvements have been inspected by the Township Engineer, Kurt Otto, PE, of CME Associates; and

**WHEREAS**, the Township Engineer has issued a review memorandum dated April 9, 2020, a copy of which is attached hereto and made a part hereof, indicating that the site improvements have been installed in a satisfactory manner; and

**WHEREAS**, the Township Engineer recommends that the Performance Guarantee can be released subject to the following requirements:

1. The Applicant must make an application to the Township of Barnegat for a Certificate of Completion;
2. The Applicant must submit all legal documents as are necessary to convey its interest in the facilities to the Township; and
3. The Applicant must submit an Affidavit that all contractors, subcontractors, and materialmen have been paid.

**LAW OFFICES OF  
CHRISTOPHER J. DASTI**  
  
COUNSELLOR AT LAW  
  
900 NEWARK AVENUE  
P.O. BOX 779  
FORKED RIVER, N.J. 08731

**WHEREAS**, additionally, the Applicant must post a 2-year Maintenance Bond in the amount of \$55,846.35 which represents 15% of the original estimated construction cost of \$372,309.00; and

**WHEREAS**, the Township accepts the recommendations of its professional staff.

**NOW THEREFORE BE IT RESOLVED** this \_\_\_\_\_ day of May 2020 by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, and State of New Jersey as follows:

1. The Township accepts the recommendations of its professional staff and hereby authorizes the release of the Performance Bond No. SNN4004777 for the water system facilities at Seacrest Pines, Phase I subject to the following requirements:

- A. The Applicant must make an application to the Township of Barnegat for a Certificate of Completion;
- B. The Applicant must submit all legal documents as are necessary to convey its interest in the facilities to the Township; and
- C. The Applicant must submit an Affidavit that all contractors, subcontractors, and materialmen have been paid.

2. Additionally, the Applicant must post a two-year Maintenance Bond in the amount of \$55,846.35 which represents 15% of the original estimated construction cost of \$372,309.00

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

- (a) John J. Novak, Mayor
- (b) Martin Lisella, Township Administrator
- (c) Tom Lombarski, CFO
- (d) Christine Roessner, Finance Dept.

LAW OFFICES OF  
CHRISTOPHER J. DASTI  
COUNSELLOR AT LAW  
900 NEWARK AVENUE  
P.O. BOX 779  
FORKED RIVER, N.J. 08731

- (e) Kurt Otto, PE, Township Engineer
- (f) Christopher J. Dasti, Township Attorney
- (g) DR Horton, Applicant

**CERTIFICATION**

I certify that the forgoing Resolution was duly adopted by the Township of Barnegat at a meeting held on \_\_\_\_\_, a quorum being present and voting in the majority.

\_\_\_\_\_  
Michele Rivers, Township Clerk

Prepared by:

\_\_\_\_\_  
**THE LAW OFFICES OF  
CHRISTOPHER J. DASTI**

**LAW OFFICES OF  
CHRISTOPHER J. DASTI**

COUNSELLOR AT LAW

900 NEWARK AVENUE  
P.O. BOX 779  
FORKED RIVER, N.J. 08731