

## RESOLUTION 2015-079

### A RESOLUTION OF THE TOWNSHIP OF BARNEGAT, COUNTY OF OCEAN, STATE OF NEW JERSEY DENYING THE RELEASE OF PERFORMANCE GUARANTEE TO BARNEGAT MANOR ASSOCIATES, LP FOR THE BARNEGAT NURSING CENTER, BLOCK 114, LOT 4.01

**WHEREAS**, Barnegat Manor Associates, LP, the developer of The Barnegat Nursing Center has requested the release of a Performance Guarantee for Site Improvements, Bond #70208765; and

**WHEREAS**, the Township Engineer has inspected the subject site, and recommends denying the release of the Performance Guarantee for Barnegat Nursing Center in his letter dated January 19, 2015; now

**THEREFORE BE IT RESOLVED** by the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey that the request for the release of the Performance Guarantee is hereby denied based on the recommendation of the Township Engineer in his letter dated January 19, 2015 contingent upon the following:

In 2005, Barnegat Manor Associates, LP applied to Barnegat Township for Minor Subdivision approval to subdivide the subject property into two (2) new lots with new lot 4.04 containing the existing Nursing Home, and new lot 4.03 being a vacant buildable lot. Due to the close proximity of the existing driveway on the westerly side of the Nursing Home to the proposed subdivision line, the Planning Board required that Barnegat Manor Associates, LP install additional landscaping on the Nursing Home side of the proposed subdivision line. Barnegat Manor Associates, LP agreed to this stipulation and posted the subject performance guarantee with the Township to insure that the required landscaping would be installed. According to our records, the Performance Bond was issued by the Western Surety Company on December 8, 2006, and the Minor Subdivision map was recorded on the Ocean County Clerk's Office on May 8, 2007. The fact that Barnegat Manor Associates, LP no longer has a connection to the site does not relieve them of the responsibility to install the site improvements that were required by the Planning Board.

**BE IF FURTHER RESOLVED** that the release of the Performance Guarantee is hereby denied until either

1. The required landscape improvements have been installed and approved by the Township, or
2. A replacement bond has been posted by the new owners of the property.

### 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 Township Committee of the Township of Barnegat at their regular meeting held on the 2<sup>nd</sup> day of March 2015, in the Municipal Complex, 900 West Bay Avenue, Barnegat, New Jersey.

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Michele A. Rivers, RMC  
Municipal Clerk