

**RESOLUTION NO. 2022-255**

**RESOLUTION OF THE TOWNSHIP OF  
BARNEGAT, COUNTY OF OCEAN, STATE OF  
NEW JERSEY, AUTHORIZING RELEASE OF  
PERFORMANCE GUARANTEE FOR COURY'S @  
BARNEGAT, INC.**

**WHEREAS**, the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey, (the "Township") has received a request from the applicant, Coury's @ Barnegat, Inc., (the "Applicant") for site inspection to release the Performance Guarantee for property known as Coury's Body Shop Block 174.03, Lot 38.02; and

**WHEREAS**, the Township Engineer has performed a site inspection of the property and has determined that the site improvements are acceptable; and

**WHEREAS**, the Township's Consulting Engineer CME Associates performed site inspection and authored a review memorandum dated July 28, 2022 recommending release of the Performance Guarantee and finding that a 2 year maintenance guarantee is not necessary, and a refund of any monies left in the escrow account for the final payment is appropriate. A copy of the review memorandum dated July 28, 2022 of CME Associates, is attached hereto and made a part hereof; and

**WHEREAS**, the Township accepts the recommendation of its professional staff; and

**NOW THEREFORE BE IT RESOLVED** on this 2<sup>nd</sup> day of August, 2022 by the Mayor and Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey as follows:

**1.** The Performance Guarantee posted by Coury's @ Barnegat, Inc. for site improvements for Block 174.03, Lot 38.02 is hereby released, pending the payment of

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any outstanding escrow fees, pursuant to the July 28, 2022 review memorandum of the Township's Consulting Engineer attached hereto and made a part hereof.

2. The Township accepts the recommendation of its professional staff and authorizes the release of the Performance Guarantee and refund of escrow account after payment of any and all fees, and that no maintenance bond is required.

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

- (a) Albert Cirulli, Mayor;
- (b) Martin J. Lisella, Township Administrator;
- (c) Kurt Otto, Township Engineer;
- (d) David Barry, PE, CME Associates;
- (e) Thomas Lombarski, CFO;
- (f) Christine Roessner, Finance Officer;
- (g) Coury's @ Barnegat, Inc.; and
- (h) Christopher J. Dasti, Esq.

### **CERTIFICATION**

I certify that the forgoing Resolution was duly adopted by the Township of Barnegat at a meeting held on August 2, 2022, a quorum being present and voting in the majority.

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Donna M. Manno, RMC  
Municipal Clerk