

RESOLUTION NO. 2023 –360

**RESOLUTION OF THE TOWNSHIP OF
BARNEGAT, COUNTY OF OCEAN, STATE OF
NEW JERSEY, AUTHORIZING RELEASE OF
PERFORMANCE GUARANTEE TO SHORE SAND
AND GRAVEL AND POSTING OF A NEW
PERFORMANCE GUARANTEE FOR ROUTE 72
SAND MINE LLC FOR PROPERTY KNOWN AS
560 ROUTE 72, BARNEGAT, NJ**

WHEREAS, the Township of Barnegat, County of Ocean, State of New Jersey (the “Township”) has received correspondence from counsel for the new property owner Route 72 Sand Mine LLC posting a Performance Guarantee cash portion check in the amount of \$96,420.00 and Performance Surety Bond No. S-25849595 in the amount of \$867,834.00; and

WHEREAS, Rt. 72 Sand Mine LLC is now the owner of 560 Route 72, Barnegat Township, New Jersey (“the Property”) and in posting their Performance Guarantees has requested that the previous owner’s Performance Guarantee be released to Sure Sand and Gravel; and

WHEREAS, the correspondence from the attorney for Route 72 Sand Mine LLC and the attached documents are attached hereto and made a part hereof; and

WHEREAS, the Township has reviewed the documentation and finds it necessary and appropriate to accept the posting of a Performance Guarantee by Route 72 Sand Mine LLC and a release of the existing Performance Guarantee posted by the previous owner Shore Sand and Gravel as well as a release of any escrows previously deposited by Shore Sand and Gravel; and

NOW, THEREFORE, BE IT RESOLVED on this 3rd day of October, 2023 by the Mayor and the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey as follows:

1. The Township hereby accepts the posting of the Performance Guarantee by Route 72 Sand Mine LLC in the amount of \$96,426.00 cash portion and Surety Bond S-258495 in the amount of \$867,834.00.

2. The Township hereby authorizes the release of the existing Performance Guarantee and/or escrows posted by the former property owner Shore Sand and Gravel to the former owner.

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

- (a) Mayor Pasquale Papi
- (b) Martin Lisella, Township Administrator
- (c) Tom Lombarski, CFO
- (d) Christine Roessner, Finance Office
- (e) Jason Worth, PE, T&M Associates, Planning Board Engineer
- (f) Kurt Otto, PE, Township Engineer
- (g) Christopher J. Dasti, Esq., Township Attorney
- (h) Steven P. Gouin, Esq., Attorney for Route 72 Sand Mine LLC
- (i) William Skinner, Esq., Attorney for Shore Sand and Gravel

CERTIFICATION

I certify that the forgoing Resolution was duly adopted by the Township of Barnegat at a meeting held on October 3, 2023, a quorum being present and voting in the majority.

Donna M. Manno, RMC
Municipal Clerk