

RESOLUTION NO. 2024 –104

**RESOLUTION OF THE TOWNSHIP OF
BARNEGAT, COUNTY OF OCEAN, STATE OF
NEW JERSEY, DENYING REQUEST FOR
RELEASE OF PERFORMANCE GUARANTEE FOR
RIGHT OF WAY IMPROVEMENTS FOR
BARNEGAT 67 (FORMERLY BARNEGAT
CROSSING)**

WHEREAS, the Township of Barnegat, County of Ocean, State of New Jersey (the “Township”) is holding performance guarantee (Bond #1001049304) for right of way improvements posted for a development known as Barnegat 67, (formerly known as Barnegat Crossing); and

WHEREAS, the applicant Franklin Barnegat Developers LLC has submitted a request that the performance bond be released; and

WHEREAS, the Township’s Consulting Engineer CME Associates has performed a site inspection of the improvements and has issued a review memorandum dated December 6, 2023, a copy of which is attached hereto and made a part hereof, indicating that no further bond reduction or release can be approved at this time as the Engineer for Ocean County must review and accept the right of way improvements; and

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

NOW, THEREFORE, BE IT RESOLVED on this 6th day of February 2024 by the Mayor and the Township Committee of the Township of Barnegat, County of Ocean, State of New Jersey as follows:

1. The Township accepts the recommendation of its professional staff and hereby denies the developer’s request for release of the performance

guarantee (Bond #1001049304) pursuant to the December 6, 2023 review memorandum of CME Associates. Once the applicant has received the letter of acceptance from the Ocean County Engineer, the applicant shall resubmit a request for release and/or reduction of the bond. The release of the bond will be subject to the posting of a maintenance guarantee to be posted at that time.

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

- (a) Joseph Marte, Mayor
- (b) Martin Lisella, Township Administrator
- (c) Thomas Lombarski, CFO
- (d) Christine Roessner, Finance Office
- (e) Kurt J. Otto, PE, Township Engineer
- (f) Roger Budd, Water and Sewer Utility Manager
- (g) Christopher J. Dasti, Township Attorney
- (h) Zachary M. Jordan, PE, CME Associates
- (i) Franklin Barnegat Developers LLC, Applicant

CERTIFICATION

I, Donna M. Manno, 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 in the Municipal Complex, 900 West Bay Avenue, Barnegat New Jersey on February 6, 2024.

Donna M. Manno, RMC
Municipal Clerk