

RESOLUTION 2010 - 134

**RESOLUTION AUTHORIZING THE REDUCTION
OF A PERFORMANCE GUARANTEE FOR MSC,
ENTERPRISES, INC.**

WHEREAS, MSC Enterprises, Inc. is currently developing a residential subdivision within the Township of Ocean along Morey Place Road; and

WHEREAS, in accordance with approvals previously received for this project, the applicant has posted an existing performance bond in the amount of \$178,163.46 as well as an existing cash bond in the amount of \$19,795.94 for a total existing performance guarantee being held by the municipality in the amount of \$197,959.40; and

WHEREAS, the applicant has requested the Township Engineer review the status of the project in order to determine if a reduction in the performance guarantees is appropriate; and

WHEREAS, by letter dated February 22, 2010 Martin Miller, PE has advised the Township Committee that based upon his inspection of the project, said performance guarantees can be reduced in a minor amount; and

WHEREAS, the Township Engineer has recommended, based upon the status of this project, that the performance guarantees be reduced to the following amounts; Performance Bond \$144,908.98; Cash Bond \$16,101.00 for a new total reduced Performance Guarantee to be held by the municipality in the amount of \$161,009.98; and

WHEREAS, the Township Committee wishes to accept the recommendation of its Consulting Engineer.

NOW, THEREFORE BE IT RESOLVED this ____ day of _____, 2010 by the Township Committee of the Township of Ocean, County of Ocean, State of New Jersey as follows:

The Township hereby authorizes the reduction of the existing Performance Bond and existing Cash Bond, pursuant to bond reduction request #1, conditioned upon the following:

1. The applicant shall post a new Performance Bond in the amount of \$144,908.98.

**DASTI, MURPHY
McGUCKIN, ULAKY,
CHERKOS & CONNORS**

COUNSELLORS AT LAW
620 WEST LACEY ROAD
P.O. BOX 1057
FORKED RIVER, N.J. 08731

2. The applicant shall post a new Cash Bond in the amount of \$16,101.00 for a total reduced Performance Guarantee to be held by the municipality in the amount of \$161,009.98.

BE IT FURTHER RESOLVED that upon posting of the new Performance and Cash Bonds, which may occur simultaneously with the release of the existing Performance Guarantees, the Township authorizes the reduction and release of said existing Performance Bond and Cash Bond.

BE IT FURTHER RESOLVED that this bond reduction estimate is given for the purpose of allowing orderly periodic reductions of bond amounts as work progresses and that the making of such estimates or bond reductions should not be taken or construed by the applicant as an improved or acceptance of any work so estimated and final acceptance does not occur until the release of the maintenance bond.

BE IT FURTHER RESOLVED that a copy of this Resolution be forwarded to the following:

1. Christine Thorne, CMFO
2. Diane Ambrosio, RMC, Township Clerk
3. Michael Garafola, President, MSC Enterprises, LLC
4. Gregory P. McGuckin, Township Attorney
5. Marlene Miller, Treasurer

CERTIFICATION

I certify that the foregoing Resolution was duly adopted by the Township Committee of the Township of Ocean, County of Ocean, State of New Jersey at a regular meeting held on the _____ day of _____, 2010, quorum being present and voting in the majority.

DASTI, MURPHY
McGUCKIN, ULAKY,
CHERKOS & CONNORS

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Diane Ambrosio, Township Clerk

Prepared by:
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Dasti, Murphy, McGuckin,
Ulaky, Cherkos & Connors

GPM/du
GL-18696 Ocean Twp. - Resolutions 2010