

RESOLUTION 2012 - 129

**RESOLUTION AUTHORIZING THE RELEASE
OF A TWO YEAR MAINTENANCE GUARANTEE
FOR THE PROJECT KNOWN AS
OCEAN MEMORIAL PLAZA, MSC ENTERPRISES,
LOCATED AT MEMORIAL DRIVE ON ROUTE 9,
WARETOWN, NEW JERSEY**

WHEREAS, MSC Enterprises has previously posted a performance guarantee with respect to the project commonly known as "Ocean Memorial Plaza", located at the intersection of Memorial Drive and Route 9, in the Township of Ocean; and

WHEREAS, by letter dated January 12, 2012, the Township Engineer has advised that the developer has requested the release of the two year maintenance guarantee for this project which had been previously posted in the amount of \$80,180.80 which included an existing maintenance bond of \$72,162.72 and an existing cash bond of \$8,018.08; and

WHEREAS, The Township Engineer has reviewed this matter with the Township's Landscape Architect, Taylor Design, and both of the Township's professionals advise that the site work has been completed in a satisfactory manner with the exception of one parking lot fixture; and

WHEREAS, The applicant has replaced a damaged fixture as requested by the Engineer's office, however, a different model number was used as the correct fixture was currently on "back order"; and

WHEREAS, the Township's Engineer has recommended, pursuant to correspondence dated January 12, 2012, that the Maintenance Guarantee, as set forth above, be released by the Township conditioned on the following:

1. The posting of a cash bond in the amount of \$500.00 to guarantee replacement of the one parking lot light fixture to match the other site lights.
2. The payment of any and all outstanding fees and costs including the inspection escrow account, balance to remain in place until all final bills have been received and processed.
3. Requirements of any other Township staff and consultants.

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

COUNSELLORS AT LAW

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

WHEREAS, The Township Committee wishes to accept the recommendation of its consulting engineer;

NOW, THEREFORE BE IT RESOLVED this ____ day of _____, 2012 that the applicant's request for release of its maintenance guarantee in the amount of \$80,180.80 be and hereby is approved subject to the applicant posting the \$500.00 cash bond to guarantee replacement of the one parking lot light fixture, the payment of any and all outstanding fees, the continuation of the inspection escrow account until all final bills have been received and processed and all requirements of any other Township staff or consultants

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

1. David Breeden, Township Administrator
2. Marleen Miller, Treasurer
3. Christine Thorne, CMFO
4. Michele Garafalo, MSC Enterprises
5. Gregory P. McGuckin, Township Attorney
6. Scott Taylor, Taylor Design
7. James H. McKelvie, PE, Alaimo Engineering

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 _____, 2012, quorum being present and voting in the majority.

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

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

GPM/bc

Diane Ambrosio, Township Clerk