

**RESOLUTION 2016 – 197**

**RESOLUTION AUTHORIZING THE RELEASE  
OF PERFORMANCE GUARANTEE FOR  
GREENBRIAR OCEANAIRE SECTION 6,  
PHASE A, WITH CONDITIONS**

**WHEREAS**, Lennar Corporation is currently developing an age-restricted residential community within the Township of Ocean known as Greenbriar Oceanaire; and

**WHEREAS**, in accordance with the approvals previously received for this Project, the applicant has currently posted with the Municipality a Performance Guarantee in the amount of \$179,211.30 consisting of Bond #6547235 dated March 19, 2010 issued by Safeco Insurance Company of America in the amount of \$161,290.17 and a cash bond in the amount of \$17,921.13; and

**WHEREAS**, by letter dated March 2, 2016 the Township's Engineer, James Oris, P.E. has advised the Township Committee that his office has inspected the improvements constructed pursuant to Section 6, Phase A of the approved plans and it is their recommendation that all bonded improvements have been completed and in substantial compliance with the Board approvals; and

**WHEREAS**, the Township Engineer has further recommended to the Township Committee that the release of the Performance Bond be granted subject to certain conditions; and

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

**WHEREAS**, by letter dated March 1, 2016 the Township Landscape Architect, Taylor Design Group, has advised the Township Committee that there are several areas of poor turf establishment in the open space sections of this phase of the development; and

**WHEREAS**, the Township's Landscape Architect has recommended that if the Township Committee wishes to authorize the release of the Performance Guarantee previously posted, that the applicant be required to post a Landscape Stabilization Cash Performance Bond in the amount of \$11,250.00; and

**WHEREAS**, the Township Committee wishes to accept the recommendations of its consulting professionals.

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

COUNSELLORS AT LAW

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

**NOW, THEREFORE BE IT RESOLVED** this 10<sup>th</sup> day of March, 2016 by the Township Committee of the Township of Ocean, County of Ocean, State of New Jersey as follows:

1. The Township hereby authorizes release of Performance Guarantees Bond #6547235 issued by Safeco Insurance Company of America dated March 19, 2010 in the amount of \$161,290.17 and a Cash Bond in the amount of \$17,921.13 conditioned upon the applicant posting a Landscaping Stabilization Cash Performance Bond in the amount of \$11,250.00.

2. This Resolution is contingent upon the applicant posting a Maintenance Guarantee with the Township of Ocean in the amount of \$89,605.65 representing 15% of the original Performance Guarantee, which Maintenance Guarantee shall run for a period of two years.

2. This Resolution is further contingent upon the applicant reimbursing the Township for the costs of any and all outstanding construction and inspection fees.

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

1. James Oris, P.E., Township Engineer;
2. Scott Taylor, Taylor Design Group
3. Diane Ambrosio, Township Administrator;
4. Marlene Miller, Township Treasurer;
5. Gregory P. McGuckin, Esquire, Township Attorney
6. Jim Ritter, Greenbriar Oceanaire Community Association; and
7. Mike Doyle, Lennar Corp.

### **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 10<sup>th</sup> day of March, 2016, quorum being present and voting in the majority.

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

COUNSELLORS AT LAW

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

\_\_\_\_\_  
Diane B. Ambrosio, RMC, Township Clerk