

BOROUGH OF RED BANK

COUNTY OF MONMOUTH

RESOLUTION NO. 10-213

A RESOLUTION AUTHORIZING RELEASE OF A DEVELOPERS AGREEMENT AND PERFORMANCE GUARANTEES AND ACCEPTING A MAINTENANCE GUARANTEE REGARDING RANN REALTY, 210-214 BROAD STREET, BLOCK 102, LOTS 21, 22

Mr. Murphy offered the following resolution and moved its adoption:

WHEREAS, by Resolution No. 08-172, the Borough Council accepted Performance Guarantees from and entered into a Developer's Agreement, dated August 25, 2008, with Rann Realty for a development project located at 210-214 Broad Street; and

WHEREAS, in accordance with that prior resolution, Rann Realty posted, and the Borough accepted, a performance guarantee in the form of Irrevocable Standby Letter of Credit 68025708, issued by Bank of America in the sum of \$33,561.00; plus 10% of the entire performance guarantee, or \$3,729.00, in the form of cash; and an inspection escrow fee of \$7,475.00; and

WHEREAS, Rann Realty, and/or its successors or assigns, has requested that the Borough release the above-describe performance guarantees and further release it from the Developer's Agreement; and

WHEREAS, Rann Realty, and/or its successors or assigns, has further requested that the Borough retain the previously posted cash performance guarantee in the amount of \$3,729.00 as a two-year maintenance guarantee; and

WHEREAS, in a report dated August 5, 2010, the Borough Engineer recommended that the performance guarantee be released and a maintenance guarantee be retained; and

WHEREAS, the Borough Engineer and Director of Planning and Zoning have further recommended that the aforementioned Developer's Agreement between the Borough and the Rann Realty be released

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Red Bank that it does hereby release Irrevocable Standby Letter of Credit 68025708, issued by Bank of America in the sum of \$33,561.00 under the following conditions:

1. That the Borough shall retain the previously posted sum of \$3,729.00 as a maintenance guarantee; and
2. Rann Realty, and/or its successors or assigns, shall post the sum of \$500.00 for inspection fees related to the future release of the above-described maintenance guarantee.

BE IT FURTHER RESOLVED that also upon fulfillment of the foregoing conditions, the Borough further releases the Developer's Agreement between it and Rann Realty, dated August 25, 2008, as fully satisfied.

BE IT FURTHER RESOLVED that the Chief Financial Officer and the Director of Planning and Zoning are authorized and requested to take appropriate steps to implement this resolution.

BE IT FURTHER RESOLVED that the Borough Clerk shall forward certified true copies of this resolution to the Borough Engineer, the Director of Planning and Zoning, the Chief Financial Officer and to Rann Realty, c/o Randolph H. Wolf, 214 Broad Street, P.O. Box 8938, Red Bank, New Jersey 07701

Seconded by Ms. Lee and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Ms. Lewis	()	()	()	(x)
Mr. Zipprich	(x)	()	()	()
Mr. DuPont	()	()	()	(x)
Ms. Horgan	(x)	()	()	()
Ms. Lee	(x)	()	()	()
Mr. Murphy	(x)	()	()	()

Dated: September 13, 2010