

**BOROUGH OF RED BANK**

**COUNTY OF MONMOUTH**

**RESOLUTION NO. 08-38**

**A RESOLUTION ACCEPTING MAINTENANCE GUARANTEES AND  
RELEASING PERFORMANCE GUARANTEES POSTED BY  
325 ADAMS, L.L.C. (FORMERLY KNOWN AS RIVERWALK DEVELOPMENT),  
18-20 WEST FRONT STREET, BLOCK 9.02, LOTS 8 & 9**

Ms. Lee offered the following resolution and moved its adoption:

**WHEREAS**, on May 25, 2004, under Resolution No. 04-154, the Borough of Red Bank accepted certain Performance Guarantees from Riverwalk Development ("the Developer") for a development project located at 18-20 West Front Street, Block 9.02, Lots 8 and 9; and

**WHEREAS**, the Developer posted the following in accordance with the Borough's Development Ordinances:

- a. Ten Percent (10%) of the performance guarantee in the form of cash in the amount of \$11,735.00;
- b. The remaining Ninety Percent (90%) of the performance guarantee in the form of Bond No. 22743246 issued by Western Surety Company in the amount of \$105,616.98; and
- c. An inspection fee in the amount of \$18,069.35; and

**WHEREAS**, the Developer has requested that the Borough release the aforementioned performance guarantees; and

**WHEREAS**, the Developer has further requested that the Borough accept as a Two-Year Maintenance Guarantee, Maintenance Bond No. 587353S, issued by the Developers Surety and Indemnity Company, in the sum of \$4,400.00; and

**WHEREAS**, the posting of a maintenance bond in that sum and the release of the aforementioned performance guarantees is in accordance with the Borough Engineer's report and recommendations concerning this project, dated January 9, 2008; and

**NOW THEREFORE BE IT RESOLVED** by the Mayor and Council of the Borough of Red Bank as follows:

- a. The Borough hereby accepts Maintenance Bond No. 587353S, issued by the Developers Surety and Indemnity Company, in the sum of \$4,400.00 as a Two-Year Maintenance Guarantee; and
- b. Acceptance of that Maintenance Bond is conditioned upon the developer's posting the sum of \$500.00 in cash for inspection fees related to the eventual release of that maintenance bond.
- c. Upon receipt of that Maintenance Guarantee and inspection escrow, the Borough shall release the following:
  1. The previously posted sum of \$11,735.00 in cash, which was equivalent to ten percent (10%) of the Performance Guarantee; and
  2. The previously posted Performance Guarantee in the form of Bond No. 22743246 issued by Western Surety Company in the amount of \$105,616.98.

**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; and

**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 Donna E. Tuzzo, Administration Manager, 325 Adams, L.L.C., P.O. Box 433, Hoboken N.J. 07030.

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

|             | Yes   | No    | Abstain | Absent |
|-------------|-------|-------|---------|--------|
| Mr. Curley  | ( x ) | (   ) | (   )   | (   )  |
| Mr. Murphy  | ( x ) | (   ) | (   )   | (   )  |
| Ms. Lee     | ( x ) | (   ) | (   )   | (   )  |
| Mr. DuPont  | ( x ) | (   ) | (   )   | (   )  |
| Ms. Cangemi | ( x ) | (   ) | (   )   | (   )  |
| Ms. Horgan  | ( x ) | (   ) | (   )   | (   )  |

Dated: January 28, 2008