

**BOROUGH OF RED BANK**

**COUNTY OF MONMOUTH**

**RESOLUTION NO. 08-145**

**A RESOLUTION AUTHORIZING ACCEPTANCE OF PERFORMANCE GUARANTEES AND  
INSPECTION ESCROW REGARDING FOOD CIRCUS MARKET OF MIDDLETOWN,  
15 WIKOFF PLACE, BLOCK 98, LOT 10.02 AND BLOCK 99, LOTS 26, 27 AND 28**

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

**WHEREAS**, the Zoning Board of Adjustment of the Borough of Red Bank approved Application No. Z7943 submitted by Food Circus Market of Middletown, (the "Developer") with respect to the property located at 15 Wikoff Place, Block 98, Lot 10.02 and Block 99, Lots 26, 27 and 28 on the tax map of the Borough of Red Bank (the "Project Premises"); and

**WHEREAS**, the aforesaid Zoning Board of Adjustment Resolution required the Developer to comply with the Planning and Development Regulations of the Borough Red Bank, with respect to the Developer's posting of performance guarantees and escrow payments to pay for inspections by the Borough Engineer; and

**WHEREAS**, by letter dated April 4, 2008, the Borough Engineer provided an estimate of the necessary performance guarantees and other fees required for the proposed development of the Project Premises in accordance with §25-7.1 of the Borough of Red Bank's Planning and Development Regulations; and

**WHEREAS**, the Developer has posted the following performance guarantees and other required fees as recommended by the Borough Engineer:

- a. Ten Percent (10%) of the performance guarantee in the form of cash in the amount of \$3,514.00;
- b. The remaining Ninety Percent (90%) of the performance guarantee in the form of Irrevocable Performance Surety Bond No. 587347S issued by Developer's Surety and Indemnity Company in the amount of \$31,626.00; and
- c. An inspection fee in the amount of \$1,470.00; and

**WHEREAS**, the Director of the Borough's Planning and Zoning Department has requested authorization to accept the aforementioned performance guarantees, and the inspection escrow fee on behalf of the Borough;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Red Bank that it does hereby authorize and direct the Director of the Borough's Planning and Zoning Department to accept the aforementioned funds posted by the Developer as the performance guarantee and inspection escrow, respectively, for the Developer's project;

**BE IT FURTHER RESOLVED** that the Clerk forward a certified true copy of this resolution to The Food Circus Market of Middletown, P.O. Box 278, Middletown, New Jersey 07748 and to the Borough Engineer.

Seconded by Mr. Murphy 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: July 14, 2008