

**BOROUGH OF RED BANK  
COUNTY OF MONMOUTH  
RESOLUTION NO. 15-66**

**RESOLUTION AUTHORIZING THE ACCEPTANCE OF AN  
IRREVOCABLE LETTER OF CREDIT POSTED BY  
OAKLAND SQUARE, LLC REGARDING BLOCK 42, LOT 19.01**

Councilwoman Horgan offered the following resolution and moved its adoption:

**WHEREAS**, Station Place at Red Bank, LLC (“Station Place”) and G.S. Realty Corp. (“G.S.”) have obtained approvals from the Red Bank Zoning Board of Adjustment (the “Board”) to develop Block 42, Lot 1.01 (the “Market Rate Parcel”) and Block 42, Lot 19.01 (the “Affordable Parcel”); Station Place and G.S. are collectively referred to herein as the “Developers”; and

**WHEREAS**, in connection with the Developers’ applications to the Board, the Developers’ proposed to create and the Board approved two separate tax lots for the subject property to be eligible for financing programs for affordable housing, with a Market Rate Building located on the Market Rate Parcel and an Affordable Housing Building located on the Affordable Parcel;

**WHEREAS**, in connection with the approvals granted by the Board, the Developers were required to enter into a Developer’s Agreement with the Borough of Red Bank; and

**WHEREAS**, the Borough and the Developers entered into a Developer’s Agreement (the “Developer’s Agreement”); and

**WHEREAS**, pursuant to the Developer’s Agreement, the Affordable Building is to be completed prior to full occupancy of the Market Rate Building, or in the alternative the Developers can post a letter of credit in an amount sufficient to guarantee the completion of the Affordable Housing Building; and

**WHEREAS**, the Developers have advised the Borough that due to delays in obtaining State funding for the Affordable Building, the Market Rate Building will likely be fully occupied prior to the completion of Affordable Building and have offered to post a letter of credit pursuant to the Developers’ Agreement to guarantee completion of the Affordable Building; and

**WHEREAS**, the Developers have provided the Borough with an estimate of the costs to complete the Affordable Building in the amount of \$1,265,174, which estimate has been provided to and approved by the Borough Engineer;

**WHEREAS**, Oakland Square, LLC is the successor in interest to the Developers with respect to the development of the Affordable Parcel; and

**WHEREAS**, Oakland Square has obtained an irrevocable letter of credit issued by Amboy Bank in the amount of \$1,265,474 to be posted with the Borough in accordance with the Developer’s Agreement; and

**WHEREAS**, the Borough attorney has reviewed the proposed letter of credit and has determined that it is in proper form for acceptance by the Borough; and

**NOW THEREFORE BE IT RESOLVED** that the Council of the Borough of Red Bank hereby authorizes the acceptance of the Irrevocable Letter of Credit # 1861 posted by Oakland Square and issued by Amboy Bank on February 26, 2015 in the amount of \$1,265,474 to guarantee the completion of the Affordable Housing Building located at Block 42, Lot 19.01 within the Borough of Red Bank pursuant to the Developer’s Agreement; and

**BE IT FURTHER RESOLVED** that a copy of this resolution shall be provided the Borough Clerk, the Borough’s Director of Zoning and Planning and the Applicant, c/o the applicant’s attorney Robert Curley, Esq.

Seconded by Councilman Murphy and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Councilman Murphy	( X )	(   )	(   )	(   )
Councilwoman Burnham	( X )	(   )	(   )	(   )
Councilwoman Horgan	( X )	(   )	(   )	(   )
Councilwoman Schwabenbauer	( X )	(   )	(   )	(   )
Councilman Zipprich	( X )	(   )	(   )	(   )
Councilman DuPont	(   )	(   )	(   )	( X )

Dated: March 11, 2015