

BOROUGH OF RED BANK

COUNTY OF MONMOUTH

RESOLUTION NO. 15-277

**RESOLUTION AUTHORIZING REDUCTION IN PERFORMANCE GUARANTEE
REGARDING STATION PLACE AT RED BANK, LLC, BLOCK 42, LOTS 1,2, 2.01,3,4,19, 20
and 21**

Councilman Zipprich offered the following resolution and moved its adoption:

WHEREAS, the Borough of Red Bank accepted a performance guarantee and other required fees from Station Place at Red Bank, LLC. (the "Applicant"), with respect to property located at Monmouth and West Streets, Block 42, Lots 1, 2, 2.01,3, 4, 19, 20 and 21 (the "Property") on the tax map of the Borough of Red Bank in connection with amended Major Site Plan Approvals granted by the Red Bank Zoning Board of Adjustment; and

WHEREAS, the Applicant posted the following performance guarantees in accordance with the authorizing Resolution and Borough's Development Ordinances:

- a. Ten percent (10%) of the performance guarantee in the form of cash in the amount of \$46,732 (the "Cash Performance Guarantee"); and
- b. The remaining ninety percent (90%) of the performance guarantee in the form of an Irrevocable Standby Letter of Credit No. 1828 issued by Amboy Bank in the amount of \$420,588 (the "Letter of Credit").

WHEREAS, the Borough Engineer has inspected the Property and has found that the bonded improvements have been generally completed; however, pursuant to the Municipal Land Use Law a minimum of thirty percent (30%) of the original bond must still remain in place until all outstanding site improvements for the project are completed; and

WHEREAS, the Borough Engineer has recommend that the original performance guarantee can be reduced to \$140,200 as set forth in the Engineer's report and recommendations concerning this project, dated June 11, 2015, and

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

- a. The Letter of Credit can be released upon the posting of a substitute performance bond or letter of credit by the applicant in the amount of \$126,180; and
- b. \$32,712 of the Cash Performance Guarantee shall be released. The Borough shall retain the remaining balance (\$14,020) of the Cash Performance Guarantee as the new cash performance guarantee.

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 the Applicant.

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

	Yes	No	Abstain	Absent
Councilwoman Lee	(x)	()	()	()
Councilwoman Burnham	(x)	()	()	()
Councilwoman Horgan	(x)	()	()	()
Councilwoman Schwabenbauer	(x)	()	()	()
Councilman Zipprich	(x)	()	()	()
Councilman DuPont	()	()	()	(x)

Dated: November 9, 2015