

BOROUGH OF RED BANK

COUNTY OF MONMOUTH

RESOLUTION NO. 12-64

**RESOLUTION RELEASING PERFORMANCE BOND AND ACCEPTING MAINTENANCE
GUARANTEE REGARDING CEDAR CROSSING (Phase 1)/RED BANK AFFORDABLE
HOUSING CORPORATION , BLOCK 75.01, LOTS 83,84 & 85;
AND BLOCK 75.03, LOTS 50.01 & 69**

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

WHEREAS, on February 14, 2001, under Resolution No. 11-40, the Borough of Red Bank accepted performance guarantees and other required fees from the Red Bank Affordable Housing Corporation (the “Developer”), with respect to property located at Block 75.01, Lots 83,84 & 85; and Block 75.03, Lots 50.01 and 69 on the tax map of the Borough of Red Bank; and

WHEREAS, the Developer posted the following in accordance with the aforementioned Resolution and Borough’s Development Ordinances:

- a. Ten percent (10%) of the performance guarantee in the form of cash in the amount of \$44,020 (the “Cash Performance Guarantee”); and
- b. The remaining ninety percent (90%) of the performance guarantee in the form of a performance Bond. No. S00719 issued by First Indemnity of America Insurance Company in the amount of \$396,180 (the “Performance Bond”);

WHEREAS, the Developer has requested that the Borough release the Performance Bond and apply the Cash Performance Guarantee towards its’ Maintenance Guarantee; and

WHEREAS, the release of the Performance Bond and acceptance of the developer’s Maintenance Guarantee is in accordance with the Borough Engineer’s report and recommendations concerning this project, dated March 13, 2012.

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

- a. the Performance Bond shall be released; and
- b. the Developer shall post a two year maintenance guarantee in the amount of \$44,020, which has been paid as follows:
 - i. by applying the Cash Performance Guarantee in the amount of \$44,020.00 towards the maintenance 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.

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 Red Bank Affordable Housing Corporation.

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: March 28, 2012