

BOROUGH OF RED BANK

COUNTY OF MONMOUTH

RESOLUTION NO. 11- 181

A RESOLUTION ACCEPTING MAINTENANCE GUARANTEE AND RELEASING PERFORMANCE BOND POSTED BY STAVOLA LEASING LLC, 39 MAPLE AVENUE, BLOCK 31, LOT 36.01

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

WHEREAS, on September 13, 2010, under Resolution No. 10-206, the Borough of Red Bank accepted certain Performance Guarantees from Stavola Leasing LLC ("the Developer") for a development project located at 39 Maple Avenue, Block 31, Lot 36.01; 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 \$2,855.00 (the "Cash Performance Guarantee");
- b. The remaining ninety percent (90%) of the performance guarantee in the form of a performance Bond. No. B13BCSF05627 issued by the Hartford Fire Insurance Company in the amount of \$28,550.00 (the "Performance Bond"); and

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 June 6, 2011;

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

- a. The Borough hereby retains and accepts as a Two-Year Maintenance Guarantee the sum of \$2,855.00, which represents ten percent (10%) of the cash performance guarantee;
- b. Acceptance of that Maintenance Guarantee 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 guarantee; and
- c. Upon receipt of the Maintenance Guarantee and inspection escrow, the Borough shall release the Performance Bond.

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 Stavola Leasing, LLC.

Seconded by Mr. Zipprich 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: August 24, 2011