

**MANSFIELD TOWNSHIP
BURLINGTON COUNTY**

RESOLUTION 2017-2-9

**RESOLUTION FOR THE RELEASE OF PERFORMANCE BOND FOR
LEGENDS AT MANSFIELD**

WHEREAS, Tindall Homes/Blue Sky Communities posted the following Performance Bond(s), Number 6751450-2001 in the amount of \$705,922.09, Number 6751450-0002 in the amount of \$4,250.00, and Number 6751450-2003 in the amount of \$24,906.82; and

WHEREAS, Eric Harvitt, of Blue Sky Communities has requested the release of Performance Bonds 6751450-2001, 6751450-0002, and 6751450-2003, and

WHEREAS, Carroll Engineering has recommended the release of said Performance Bond(s) subject to conditions in communication dated February 15, 2017.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey, as follows:

1. Agrees to release the Performance Guarantee(s) for Legends at Mansfield in the amount(s) of \$705,922.09, \$4,250.00, and \$24,906.82 conditioned upon the activation of a Maintenance Guarantee in the amount of \$366,758.06 representing 15% of the applicable improvements covered by the current performance bond(s). to be held for a period of two (2) years.
2. Submitting a 'Contribution in Lieu of' for the six foot wide pedestrian path along Mansfield Road East in the amount of \$13,680.00 cash contribution, which is the amount contained in the original Engineer's Estimate used to calculate the amount of the Performance Bond.
3. Submittal of funds to cover all outstanding invoices to date for escrow inspections performed by the municipal engineer, as well as sufficient funds for conducting a final inspection prior to the expiration of the Maintenance Bond.
4. During the last six months of the term of the Maintenance Bond, the developer shall conduct sampling of the water in the retention basin for water quality. The sampling shall be performed by an approved laboratory and the sampling results submitted to the municipal engineer.
5. Authorizes the Land Use Coordinator to forward a certified copy of this Resolution to Blue Sky Communities.
6. The Land Use Coordinator is authorized and directed to forward the Performance Guarantee(s) to Blue Sky Communities once all conditions above are met.

AND IT IS FURTHER RESOLVED by the Township Committee, as aforesaid, that this release is conditioned upon the payment of all fees incurred by the municipality to the engineer or other professionals in connection with any inspections and reports concerning the improvements covered by said bond or other performance guarantee; and if there be a sufficient sum held in escrow by the township for the purpose of paying for said inspections and reports, said escrow may be utilized for that purpose and in the absence of a sufficient escrow said fees shall be paid by the obligor directly, pursuant to N.J.S.A. 40:55D(2)h.

MOTION:
ROLL CALL VOTE:
AYES:
NAYS:

SECOND:

ABSTAIN: **ABSENT:**

CERTIFICATION

I, BARBARA A. CRAMMER, Deputy Clerk of the Township of Mansfield, County of Burlington, State of New Jersey do hereby certify the foregoing to be a true and correct copy of the Resolution adopted by the Mansfield Township Committee, County of Burlington, State of New Jersey on Roll Call held on February 22, 2017 at 7:30 PM at the Municipal Complex.

BARBARA A. CRAMMER, Deputy Clerk