

**TOWNSHIP OF MANSFIELD  
BURLINGTON COUNTY**

**RESOLUTION 2018-6-11**

**RESOLUTION AUTHORIZING RELEASE OF MAINTENANCE BOND AND  
ACKNOWLEDGMENT OF “RELEASE AGREEMENT”  
BETWEEN COVINGTON MANOR COMMUNITY ASSOCIATION, INC.  
AND ORLEANS AT COVINGTON MANOR, LLC**

**WHEREAS**, Orleans at Covington Manor, LLC is the Developer of a certain residential subdivision known as “Covington Manor”; and

**WHEREAS**, pursuant to Township Ordinances and the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq., the Developer posted a Performance Guarantee, which was subsequently released by the Township upon the recommendation of the Township Engineer, and replaced with a Maintenance Bond issued by Lexon Insurance Company in the amount of \$351,381.31 (Bond No. 1113278); and

**WHEREAS**, Orleans at Covington Manor, LLC has requested release of said Maintenance Bond, but said release has been delayed due to the status of certain issues relating to a pond aspirator deficiency in Detention Pond #2, as well as certain landscaping and curbing issues; and

**WHEREAS**, the Covington Manor Community Association, Inc. has urged the Township Committee of the Township of Mansfield to release the Maintenance Bond due to the agreement by Orleans at Covington Manor, LLC to pay to the Community Association the sum of \$25,000.00 in full and complete satisfaction of all outstanding claims relating to the maintenance of such improvements within said development; and

**WHEREAS**, both the Community Association and the Developer have entered into a “Release Agreement” dated April 13, 2018, pursuant to which the Community Association has agreed to release the Developer from any claims arising from its responsibilities to complete and maintain these improvements, in exchange for the sum of \$25,000.00, which Release Agreement is annexed hereto and made a part of this Resolution; and

**WHEREAS**, the Township Committee does not have the jurisdiction or authority to approve the elimination of the aspirator system, or the curbing and landscaping issues, but does have authority to release the Maintenance Bond, and given the mutual request of both the Community Association and the Developer, and the reliance upon both their representations that they are satisfied with the Agreement that they have reached, and in expectation that the Community Association will use said funds to satisfy the improvements required under the subdivision and site plan approvals granted by the Planning Board which were intended to be covered by said Maintenance Bond is willing to do so.

**NOW, THEREFORE, BE IT** resolved by the Township Committee of the Township of Mansfield, County of Burlington, State of New Jersey, that Maintenance Bond, Bond No. 1113278

issued by Lexon Insurance Company to Orleans at Covington Manor, LLC in the amount of \$351,381.31 be and the same is hereby authorized to be released based upon the paragraphs rationale set forth in the above, which paragraphs are incorporated herein as if set forth at length, as the factual predicate for the passage of this Resolution.

**MOTION: MAGEE**

**SECOND: DIGIUSEPPE**

**ROLL CALL VOTE**

**AYES: MAGEE, DIGIUSEPPE, CAIN, GABLE, HIGGINS**

**NAYS:**

**ABSTAIN:**

**ABSENT:**

**CERTIFICATION**

I, **LINDA SEMUS, RMC, CMR, Municipal Clerk** of the Township of Mansfield, County of Burlington, State of New Jersey do hereby certify this to be a true and correct copy of the Resolution adopted by the Mansfield Township Committee at their regular meeting held on June 20, 2018 at 6:00PM at the Municipal Complex.

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Linda Semus, RMC, CMR  
Municipal Clerk