

RESOLUTION NO. 122-2013

**RESOLUTION OF THE MAYOR AND COMMITTEE OF THE TOWNSHIP OF HARRISON
AUTHORIZING THE REDUCTION OF THE MAINTENANCE GUARANTEE FOR PHASE II OF
THE TOMLIN STATION COMMERCE CENTER PROJECT, AFFECTING THE PARCEL
KNOWN AS BLOCK 46, LOTS 3.02, 3.03, 3.04 AND 4.1 ON THE OFFICIAL TAX MAP OF
THE TOWNSHIP OF HARRISON, COUNTY OF GLOUCESTER, STATE OF NEW JERSEY,
RELATING TO PLANNING BOARD RESOLUTION NO. 69-2006**

WHEREAS, the Harrison Township Planning Board granted Final Major Subdivision approvals to Woodland Four, L.L.C. via Resolution No. 69-2006; and

WHEREAS, the Applicant has caused certain work to be performed relating to improvements affecting a parcel known as Tomlin Station Commerce Center – Phase II, Block 46, Lots 3.02, 3.03, 3.04 and 4.1 on the official Tax Map of the Township of Harrison; and

WHEREAS, Woodland Four, L.L.C. posted Maintenance Surety Bond No. B98808-016584 dated July 3, 2009 issued by American Southern Insurance Company in the sum of \$144,822.08 assuring the satisfactory maintenance of the on-tract improvements; and

WHEREAS, the Harrison Township Planning Board, on December 20, 2012, via Resolution No. 40-2012, authorized certain amendments to the final major subdivision approval relating to Phases I and II; and

WHEREAS, the deletion of said site improvements from Phases I and II of the project has decreased the cost estimate for the remaining site improvements; and

WHEREAS, the Harrison Township Engineer has recalculated the remaining incomplete site improvements secured by said Maintenance Guarantee and has filed a written report with the Township Clerk dated January 18, 2013, attached hereto as Exhibit “A” (consisting of 7 pages), recommending reduction of the Maintenance Guarantee in the amount of \$6,848.25 as follows:

Amount of original Maintenance Surety Bond	\$ 144,822.08
Amount to be Reduced	<u>\$ 6,848.25</u>
Amount of New Guarantee to Remain Posted	\$ 137,973.83

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Committee of the Township of Harrison, Gloucester County, New Jersey, as follows:

1. The revised Cost Estimate prepared by the Township Engineer, as set forth in the letter dated January 18, 2013, attached hereto as Exhibit "A", is hereby approved and accepted, and the Maintenance Guarantee (Phase II) referred to above is hereby reduced in the amount of \$6,848.25 as follows:

Amount of original Maintenance Surety Bond	\$ 144,822.08
Amount to be Reduced	<u>\$ 6,848.25</u>
Amount of New Guarantee to Remain Posted	\$ 137,973.83

2. That no above-mentioned Maintenance Guarantee shall be reduced until payment by the Applicant of any outstanding fees or costs from inspections, escrows and/or items more particularly set forth in the Township Planning Board Resolution approving the Final Major Subdivision.

3. The Applicant is hereby directed to forward the reduced Maintenance Guarantee or Rider to the Township Clerk to satisfy the contingency set forth above.

4. The approval granted herein is given in reliance upon all representations made by the Applicant, including drawings, plans and other application materials filed in connection with this application and those items specifically referred to upon receiving final approval by the Harrison Township Planning Board. Should said representations and/or supporting documents by the Applicant prove erroneous, inaccurate, or otherwise misleading, the Township Committee reserves the right to revoke the approval granted herein and direct the Construction Official of Harrison Township to issue stop work orders until such time as new, adequate Maintenance Guarantees are submitted to and approved by the Committee after review by the Township Engineer and Township Attorney.

5. The approval granted herein is further subject to the submission of a reduced Maintenance Guarantee or Rider in a form acceptable to the Township Attorney or a reduction of the original Maintenance Surety Bond in the newly approved amount.

6. The Township Clerk is hereby directed to forward certified copies of the within Resolution to the Applicant and the Harrison Township Engineer.

ADOPTED at a Regular Meeting of the Harrison Township Committee held June 3, 2013.

TOWNSHIP OF HARRISON

LOUIS F. MANZO, Mayor

ATTEST:

DIANE L. MALLOY
Clerk

ROLL CALL VOTE				
COMMITTEE MEMBER	AYES	NAYS	ABSTAIN	ABSENT
Manzo				
Clowney				
Diggons				
Heim				
Shearer				

CERTIFICATION

I hereby certify that the above resolution is a true copy of a resolution adopted by the Township Committee of the Township of Harrison, County of Gloucester, State of New Jersey, at a meeting held by the same on June 3, 2013, in the Harrison Township Municipal Building, 114 Bridgeton Pike, Mullica Hill, New Jersey 08062.

DIANE L. MALLOY
Clerk