

TOWNSHIP OF MOORESTOWN

RESOLUTION 203-2017

**AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE FOR
FLOOR & DECOR, 1001 NIXON DRIVE
(BLOCK 3000, LOT 6)**

WHEREAS, the developer, M & J Wilkow, of property located at 1001 Nixon Drive, also known as Block 3000, Lot 6 on the Tax Maps of the Township of Moorestown, has requested a release of the total performance guarantee submitted in connection with a development application filed by East Gate Square Acquisition TIC II, LLC for preliminary and final site plan approval of a Floor & Decor store; and

WHEREAS, one-hundred percent of the initial performance guarantee was submitted by the developer in the form of cash in the amount of \$385,338.96; and

WHEREAS, the Township Engineer, William R. Long, PE of Alaimo Group, has inspected the improvements completed to date, and has indicated in a letter dated November 8, 2017 that all of the improvements have been completed as shown on the approved plans and recommends a release of the performance guarantee upon posting of a maintenance guarantee and an inspection escrow; and

WHEREAS, the owner, via email dated November 21, 2017, has authorized the Township to retain \$48,141.12 from its cash performance bond representing the two-year maintenance bond; and it has posted a maintenance inspection escrow in the amount of \$2,407.06 as recommended by the Township Engineer.

NOW, THEREFORE, BE IT FURTHER RESOLVED by the Township Council that this release of the applicant's bonding obligation be conditioned upon the payment of all fees incurred by the municipality to the Township Engineer or other professionals in connection with any inspection and report concerning the improvements covered by said bond; and if there be a sufficient sum held in escrow by the Township of Moorestown for the purpose of paying for said inspections and report, 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 the N.J.S.A. 40:55D-53(h).

BE IT FURTHER RESOLVED, conditioned on the above, that the Chief Financial Officer is hereby authorized to withhold \$48,141.12, representing the maintenance guarantee, and release the remainder of the cash bond.

VOTE:
DELGADO
JORDAN
LOCATELL
NAPOLITANO
PETRIELLO

Certified to be a true and correct copy of a Resolution adopted by the Township Council at its regular meeting on November 27, 2017.

Patricia L. Hunt, RMC
Township Clerk