

**TOWNSHIP OF MOORESTOWN**

**RESOLUTION 84-2013**

**AUTHORIZING RELEASE OF PERFORMANCE GUARANTEE FOR  
BURL-MOOR DRIBEN ANIMAL HOSPITAL  
104 KINGS HIGHWAY (BLOCK 2900, LOT 3)**

**WHEREAS**, the owner, Charles J. Driben, Burl-Moor Driben Animal Hospital, of commercial property located at 104 Kings Highway, also known as, Block 2900, Lot 3 on the Tax Maps of the Township of Moorestown, has requested a release of the performance guarantee submitted in connection with development of the property; and

**WHEREAS**, the initial performance guarantee was submitted in the form of a Performance Guaranty No. B98808-021325 dated May 13, 2011 from American Southern Insurance Company in the amount of \$66,565.80 and in the form of cash in the amount of \$6,656.58 for a total of \$73,222.38; and

**WHEREAS**, the Township Engineer, James A. Ruddiman, P.E., of Alaimo Group inspected the improvements completed to date, and has indicated in a letter dated April 4, 2013 that all improvements have been substantially completed as shown on the approved plans and recommends a release of the performance guarantee upon posting of a \$5,000 cash bond for the completion of certain work (installation of two pole-mounted parking area lights and installation of one tree), a two-year maintenance guarantee and an inspection escrow; and

**WHEREAS**, the owner has posted the \$5,000 cash bond for certain work to be completed; and

**WHEREAS**, the owner has authorized the Township, via letter dated April 9, 2013, to maintain the \$6,656.58 cash bond on account and has submitted an additional \$1,664.14 cash bond together representing the total amount of the required two-year maintenance guarantee in the amount of \$8,320.73; and

**WHEREAS**, the owner has posted a maintenance inspection escrow in the amount of \$500.00 as recommended by the Engineer.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey, that it hereby releases the above-referenced performance guarantee as recommended.

**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).

VOTE:

JORDAN  
CHIACCHIO  
GARWOOD  
NEWCOMER  
NAPOLITANO

Certified to be a true and correct copy of a resolution adopted by the Township Council of the Township of Moorestown at its meeting on April 22, 2013.

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Patricia L. Hunt, RMC  
Township Clerk