

CITY OF VINELAND

RESOLUTION NO. 2016-

RE: AUTHORIZATION FOR CITY ENGINEER TO UTILIZE CASH SECURITY POSTED AS PERFORMANCE SURETY FOR COMPLETION OF SITE IMPROVEMENTS AT LENWOOD COURT TO COMPLETE REMAINING AND OUTSTANDING DEVELOPMENT IMPROVEMENTS

WHEREAS, the developer of the Lenwood Court residential housing development was granted Major Site Plan and Subdivision approval by the Planning Board of the City of Vineland; and

WHEREAS, the Plan required the satisfactory and proper completion of numerous site improvements, the performance surety for which was last posted by the developer with the City on or about January 14, 2009, in the form of a cash deposit in the amount of \$98,040.00, which amount represented the City Engineer's estimate for the cost of completing improvements then still outstanding; and

WHEREAS, since the posting of the aforesaid cash surety, the City has given due notice to the developer of the developer's failure to complete the remaining and outstanding improvements required to comply with the Site Plan, including a notice of January 12, 2016, advising that the developer is in default of the project site improvement requirements, thereby establishing cause for the City to utilize the cash surety for completion of the outstanding site improvements; and

WHEREAS, an expenditure of at least \$98,040.00 will be required for completion of the required improvements; and

WHEREAS, the City Engineer has recommended that the governing body of the City of Vineland authorize that the surety for the Lenwood Court improvements be called and the surety deposit made available and utilized towards the completion of the subject outstanding site improvements and that the City Engineer take such measures necessary and appropriate to implement completion of the subject improvements, to the extent possible

within the limits of the aforesaid surety deposit, including going out to bid for construction contracting to perform that work.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Vineland, as follows:

1. The statements of the preamble are incorporated herein by this reference.
2. The City Engineer is hereby authorized to expend as much, including the entirety, if necessary, of the aforesaid cash surety to install and complete the improvements or any part(s) thereof that have not been completed to the satisfaction of the City Engineer and/or to perform any other obligations required of the developer as provided by the development approval of the City of Vineland Planning Board.
3. The City Engineer be and he is hereby authorized to submit the work required for completion of the subject improvements to public bidding, in accordance with the requirements of the "Local Public Contracts Law", N.J.S.A. 40A:11-1 et. seq.

Adopted:

Council President

ATTEST:

Municipal Clerk