

RESOLUTION NO. 2018-335

RESOLUTION ACCEPTING, AS COMPLETE, THE IMPROVEMENTS AT WHISPERING MEADOWS RESIDENTIAL DEVELOPMENT, DANTE AVENUE, BLOCK 863, LOT 2 AND 3, AND AUTHORIZING THE RELEASE OF SUN NATIONAL BANK IRREVOCABLE STANDBY LETTER OF CREDIT #2007076

WHEREAS, the City of Vineland Planning Board, by Resolution 5574, approved the Major Subdivision Project No. 06-916, submitted by developer Ironwood Building Company, Inc. (Developer), known as Whispering Meadows Major Subdivision, Dante Avenue, Block 863, Lot 2 and 3, Vineland, New Jersey, subject to the performance of all site improvements required for completion; and

WHEREAS, the City Engineer's Office prepared an initial Project Improvements Cost Estimate in the amount of \$680,850.00; and

WHEREAS, the City's Engineer had found, as set forth in A Notice of Incompletion, dated January 25, 2017 (**Exhibit A**, attached), that the Developer had failed to complete the subject Project site improvements, leaving incompletions detailed in the attached Notice, the cost of which were estimated by the City Engineer in the amount of \$179,534.98; and

WHEREAS, the City had made a claim against the Surety for the project, same being a Sun National Bank Irrevocable Standby Letter Of Credit #2007076 which had last been reduced to \$224,800.00; and

WHEREAS, upon draft of the City of Vineland against the said Letter of Credit, payment was made by Sun Bank to the City of Vineland in the amount of \$179,534.98, thereby leaving a balance on the Letter of Credit in the amount of \$45,265.02; and

WHEREAS, the City, following public bidding, contracted with South State, Inc. in the amount of \$146,220.00 for completion of the subject improvements, the City Engineer has inspected all improvements and has reported same to be complete with final payment having been made to South State in April 2018, in the amount of \$146,025.87, and the City Engineer has, by Surety Report dated June 21, 2018, accordingly, recommended acceptance of the subject improvements and release of the aforesaid Sun National Bank Irrevocable Standby Letter Of Credit #2007076 (**Exhibit B**, attached);

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

1. City Council does hereby, in reliance upon the approval and recommendation of the City Engineer, accept the subject work and improvements and does approve and authorize the release of the Sun National Bank Irrevocable Standby Letter Of Credit #2007076, as referenced herein above, and the return to Sun National Bank, or its successor in interest, any cash balance remaining on the aforesaid payment of \$179,534.98 made by Sun National Bank to the City.

Adopted:

President of Council

ATTEST:

City Clerk

EXHIBIT A

January 25, 2017

NOTICE OF INCOMPLETION

Certified & Regular Mail & Hand Delivered

Ironwood Building Company, Inc.

Attention: Irving Juffe

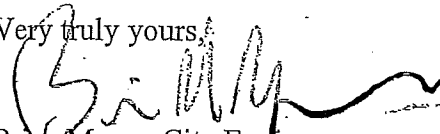
15 Chelsea Court

Atlantic City, NJ 08401

Dear Mr. Juffe:

I am the City Engineer for the City of Vineland, New Jersey. On August 21, 2007, Sun National Bank issued an Irrevocable Standby Letter of Credit, No. 2007076 (copy attached), in the amount of \$680,800.00, to the City of Vineland, as Beneficiary, same to serve as surety for the performance and completion of improvements at the development Project: Whispering Meadows Final, Major Subdivision Final, Dante Avenue, Block 863, Lot 2, Vineland, New Jersey. The Project Developer, Ironwood Building Company, Inc., has failed to complete the required improvements. Attached hereto is a copy of the Engineer's List of Incompletions and the Engineer's Estimate of \$179,534.98 for the cost of completion. As a result of the Developer's failure to complete, the City of Vineland shall draw upon the subject Letter of Credit to pay all costs associated with completion of the Project.

Very truly yours,



Brian Myers, City Engineer

CC: Sun National Bank
226 Landis Avenue
Vineland, NJ 08360

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Special arrangements for persons with disabilities may be made if requested in advance by contacting the Business Administrator's office at 856-794-4144.

**CITY OF VINELAND
WHISPERING MEADOWS PROJECT COMPLETION
CITY ENG. PROJECT #: XX-XXX
CONSTRUCTION COST ESTIMATE**

CONTRACT INFORMATION				ENGINEER'S ESTIMATE	
ITEM NO.	DESCRIPTION	UNITS	TOTAL QUANTITY	EST PER UNIT	ENG. EST. TOTAL COST
1.1	TRAFFIC CONTROL	LS	1	\$5,000.00	\$5,000.00
2.1.1	CLEARING SITE (NOT TO EXCEED 5% OF TOTAL CONTRACT AMOUNT)	LS	1	\$6,600.00	\$6,600.00
4.11.1	RESET VALVE BOXES	UNIT	12	\$66.29	\$795.48
5.1.1	SAWCUTTING (HMA)	LF	215	\$2.50	\$537.50
5.2.3	ROADWAY EXCAVATION, UNCLASSIFIED, (IF AND WHERE)	CY	15	\$30.00	\$450.00
6.1.1	DENSE GRADED AGGREGATE BASE COURSE (RECYCLED CONCRETE), IF AND WHERE	CY	6	\$42.00	\$252.00
7.1.1	HOT MIX ASPHALT 19M64 BASE COURSE, 2" THICK	TON	2	\$200.00	\$400.00
7.1.4	HOT MIX ASPHALT 9.5M64 SURFACE COURSE, 2" THICK	TON	1,000	\$100.00	\$100,000.00
7.6.1	ASPHALT PRICE ADJUSTMENT	DOLLAR	500	\$1.00	\$500.00
15.1.1	BASIN RECONDITIONING	LS	1	\$40,000.00	\$40,000.00
TOTAL ESTIMATED PROJECT COSTS					\$179,534.98

EXHIBIT B

REPORT TO: Mayor and City Council

FROM: Brian Myers, City Engineer

DATE: June 21, 2018

RE: Surety Report

The Engineering/Planning Division has conducted an on-site inspection of the below project for the purpose of determining compliance with required site improvements, and has prepared the following report:

BOND RELEASE:

1. Whispering Meadows Major Subdivision – Dante Avenue, Block 863, Lot 2, Project #06-916.

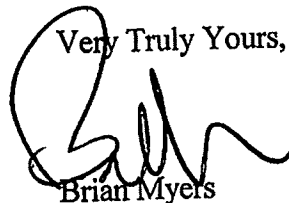
Mailing Address: Mr. Michael Benson, Esq.
1138 E. Chestnut Avenue, Suite 2A
Vineland, NJ 08360

Type of Surety: Letter of Credit #2007076 for \$45,265.02 (previously reduced from \$224,800.00)

Surety Expiration Date: N/A

Since all the required improvements are complete, it is being recommended to City Council that the surety be released in its entirety.

Very Truly Yours,



Brian Myers
City Engineer

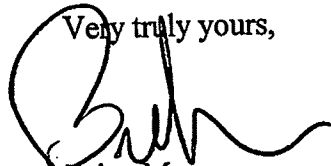
BM/YR

xc: City Clerk
Finance Dept.

MEMORANDUM

TO: Robert Dickenson
RE: Surety Report
DATE: June 21, 2018

Enclosed herewith please find a surety report which is ready to be placed on Council agenda for approval.

Very truly yours,

Brian Myers
City Engineer

BM/YR
Encl:

xc: City Clerk
Finance Dept.