

**Ordinance No. 2016-09**

**AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MANALAPAN, IN THE COUNTY OF MONMOUTH, STATE OF NEW JERSEY, APPROPRIATING \$43,678.00 FROM THE LINE ITEM "RESERVE - PINE BROOK ROAD DEFAULT" FOR THE COMPLETION OF CERTAIN ROAD AND DRAINAGE IMPROVEMENTS TO PINE BROOK ROAD BETWEEN WINNER CIRCLE AND COUNTRY OAKS.**

**WHEREAS**, approvals were granted by the Township in connection with the development of Block 1314, Lot 27.02; and

**WHEREAS**, in connection with said approvals and in accordance with a developer's agreement, the developer was required to complete certain roadway and drainage improvements to the benefit of the Township; and

**WHEREAS**, to guarantee completion of said roadway and drainage improvements, the developer was required to post a performance bond in accordance with N.J.S.A. 40:55D-53; and

**WHEREAS**, the developer did not complete certain roadway and drainage improvements and the Township declared said developer in default; and

**WHEREAS**, the Township demanded that the bonding company, American Southern Insurance Company, either complete the site improvements or pay to the Township the amount of the pending performance bond; and

**WHEREAS**, in November 2015, American Southern Insurance Company issued a check to the Township in the amount of \$40,273.00, the amount of the performance bond and escrow for the uncompleted road and drainage improvements; and

**WHEREAS**, a cash guarantee balance in the amount of \$3,404.80 is held by the Township; and

**WHEREAS**, the Township is ready to seek bids for the completion of the road and drainage improvements utilizing the money paid by the bonding company and held by the Township.

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Committee of the Township of Manalapan, in the County of Monmouth and State of New Jersey, as follows:

**Section 1.** The amount of \$43,678.00 is hereby appropriated from the line item entitled “Reserve – Pine Brook Road Default” to allow for the completion of certain roadway and drainage improvements to Block 1314, Lot 27.02.

**Section 2.** The Township hereby certifies that it has adopted a capital budget or a temporary capital budget, as applicable. The capital or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. To the extent that the purposes authorized herein are inconsistent with the adopted capital or temporary capital budget, a revised capital or temporary capital budget has been filed with the Division of Local Government Services.

**Section 3.** This ordinance shall take effect after final adoption and publication and otherwise as provided by law.

Add our normal provisions.

**Section 4.** All Ordinances, or parts thereof, inconsistent with the provisions of this Ordinance be and the same are hereby repealed to the extent of such inconsistency.

**Section 5.** Should any section, paragraph, clause or other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect or impair the remainder of this Ordinance.

## NOTICE OF PUBLIC HEARING

The Ordinance published herewith was Introduced and approved at a meeting of the Township Committee of the Township of Manalapan held on [August 10, 2016](#) and will be further considered for final passage after a Public Hearing thereon before the Township Committee of the Township of Manalapan during a meeting to be held on [September 7, 2016](#) at the Municipal Complex, 120 Route 522 and Taylors Mills Road, Manalapan, New Jersey at 8:00 p.m. or as soon thereafter as the matter may be reached, or at any meeting to which that meeting may be adjourned, at which time any and all persons who may be interested therein will be given an opportunity to be heard.

The proposed Ordinance in its entirety is on file in the Municipal Clerk's Office and copies may be obtained without charge between the hours of 8:30 a.m. and 4:30 p.m. Monday through Friday. A complete copy may also be obtained from the Manalapan Township web-site [www.mtnj.org](http://www.mtnj.org) by clicking on the Ordinance title listed on the Agenda posted for the Township Committee meeting of [September 7, 2016](#).

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**Regina Preteroti, RMC**  
**Municipal Clerk**