

TOWNSHIP OF UPPER DEERFIELD

RESOLUTION 19-58

**AUTHORIZING RELEASE OF PERFORMANCE BOND
KIM SOD COMPANY**

WHEREAS, Kim Sod Company is the previous owner of a land mining site within the Township of Upper Deerfield on Block 707, Lots 2 & 5, Fox Road on the Tax Map of the Township of Upper Deerfield; and

WHEREAS, Kim Sod Company posted a performance surety bond in the amount of \$37,000.00 as the performance guarantee for its reclamation obligations under its resource extraction permit and associated land approvals; and

WHEREAS, the property has been sold to K & E Holding who has obtained its separate approvals for resource extraction on the property and has posted two performance guaranties, one in the amount of \$114,788.60 to assure installation of landscaping required by its land use approvals and second in the amount of \$227,214.00 for restoration/reclamation of the property; and

WHEREAS, Thomas Tedesco, PE, the Upper Deerfield Township Conflict Engineer has inspected the property, confirmed that the landscaping has been completed and recommended the releasing of the K & E Holding landscaping performance surety bond; and

WHEREAS, upon the posting of the replacement guarantee by K & E Holding the Kim Sod Company performance surety bond in the amount of \$37,000.00 is no longer required and is to be released according to law.

NOW THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Upper Deerfield, in the County of Cumberland, that the aforesaid Performance Guarantee in the amount of \$37,000.00 for Kim Sod Company be released; and

BE IT FURTHER RESOLVED that the landscaping guarantee in the amount of \$114,788.60 posted by K & E Holding also be released. No separate guarantee is required. The obligation to maintain landscaping and replace it upon failure is a continuing obligation of K & E holding under its approvals; and

BE IT FURTHER RESOLVED, that a copy of this Resolution be filed with the Secretary of the Planning Board.

Moved By: Bruce T. Peterson

Seconded By: Scott Smith

VOTING

James P. Crilley
John L. Daddario
John T. O’Neill, Sr.
Bruce T. Peterson
Scott Smith

<u>In Favor</u>	<u>Against</u>	<u>Abstain</u>	<u>Absent</u>
			X
X			
X			
X			
X			

CERTIFICATION

I hereby certify that the foregoing is a true copy of Resolution adopted by the Township Committee of the Township of Upper Deerfield, in the County of Cumberland, at a meeting thereof held February 7, 2019.

Roy J. Spoltore, Township Clerk