

TOWNSHIP OF WALL
RESOLUTION NO. 19-0838

**AUTHORIZATION TO DEFAULT ON MAINTENANCE BOND NUMBERS
FP0023630, FP0023631, FP0023632 POSTED BY PINEVIEW ESTATES LLC ISSUED
IN CONNECTION WITH SUBDIVISION KNOWN AS PINE VIEW ESTATES, ON
BLOCK 977, LOTS 16 AND 18**

WHEREAS, the Township of Wall required Pine View Estates LLC, (developer) 820 Morris Turnpike, Short Hills, NJ 07078, to post three maintenance bonds in the amount of \$160,685.00; \$131,513.00 and \$167,898.00 issued by First Indemnity of America Insurance Company, located at 2740 Route 10 West, Suite 205 Morris Plains, NJ 07950, in connection with a subdivision known as Pine View Estates located on Block 977, Lots 16 and 18; and,

WHEREAS, the maintenance bonds were issued January 11, 2018; and,

WHEREAS, Wall Township's Engineer, T&M Associates, in their report dated August 26, 2019 determined that a retaining wall constructed near 30 Silver Maple Lane in Howell Township by developer had failed and that the wall needed to be replaced and that the failure was a result of the design failure of the wall; and,

WHEREAS, it has been communicated to the developer, Pine View Estates LLC, that the wall has failed and needs to be replaced; and,

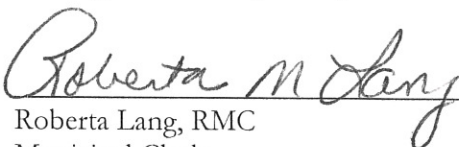
WHEREAS, the developer has notified Wall Township that in its opinion, the wall failure was not a result of any design defect or failure; and,

WHEREAS, the bond company has notified Wall Township that in its opinion, the wall failure was not a result any design defect or failure; and,

NOW, THEREFORE, BE IT RESOLVED that the above referenced bonds are declared in default and the Township Attorney is authorized to protect the Township of Wall's interests and to take legal action to enforce the obligations under this bond.

1. All Township officials including, but not limited to the Mayor, Township Director of Engineering and Planning and Municipal Clerk, and Township Attorney are hereby authorized and directed to take such ministerial actions as are necessary to effectuate the provisions of this Resolution.
2. The Township Attorney is required to provide, by certified mail, a copy of this duly authenticated Resolution to First Indemnity of America Insurance Company.

I, Roberta Lang, Municipal Clerk of the Township of Wall in the County of Monmouth and the State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Mayor and Council of the Township of Wall in the County of Monmouth in the State of New Jersey at a meeting held on August 28, 2019.


Roberta Lang, RMC
Municipal Clerk