

ORDINANCE NO 6-12

AN ORDINANCE RELEASNG PERFORMANCE
GUARANTEES; WAIVING MAINTENANCE
GUARANTEES; AND ACCEPTING VARIOUS
IMPROVEMENTS AND EASEMENTS WITH
REGARD TO A DEVELOPMENT LOCATED ON
BLOCK 133; LOT 16 WHICH IS MORE
COMMONLY KNOWN AS "KINNELON RIDGE"
AS DEVELOPED BY KINNELON RIDGE
DEVELOPERS LLC

WHEREAS, Kinnelon Ridge Developers, LLC (hereinafter, the
"Developer" or "KRD") constructed a development known as
"Kinnelon Ridge" (the "Development") in the Borough of Kinnelon
(the "Borough" or "Kinnelon") and

WHEREAS, the Development consisted of 295 units of
residential housing (including 54 Units of Low and Moderate
Income Housing) pursuant to a Site Plan Approval dated November
13, 1997 and Conditional Site Plan Approval, dated April 8,
1999; and

WHEREAS, the Development also included the requirement to
construct the following improvements: On-Site Water Main
Extension; Off-Site Water Main Extension; On-Site Sanitary Sewer
Main; Off-Site Sanitary Sewer Main; and Improvements to Maple
Lake Road; and

WHEREAS, in regard to the aforesaid improvements a Cash
Deposit in the amount of \$138,307.20 was posted as well as the

following Performance Bonds: On-Site Water Main Extension (Bond No. SD00004126 for \$537,705.00 posted on June 8, 1999); Off-Site Water Main Extension (Bond No. SD00004123 for \$124,308.00 posted on June 8, 1999); On-Site Sanitary Sewer Main (Bond No. 00004125 for \$302,972.40 posted June 8, 1999); Off-Site Sanitary Sewer Main (Bond No. SD00004122 for \$136,657.80, posted on June 8, 1999); and Improvements to Maple Lake Road (Bond No. SD00004124 for \$143,012.00 posted on June 8, 1999); and

WHEREAS, the Borough Engineers, Darmofalski Engineering Associates, Inc., has determined that there is no objection to the release of Performance and Cash Bonds pursuant as further set forth in their correspondence of January 12, 2012 and subject to the conditions contained therein; and

WHEREAS, the Developer is therefore entitled to the return of its performance guarantees in the amounts set forth above, with applicable interest, subject to the conditions contained herein; and

WHEREAS, the Developer and the Borough have executed an "On-Tract and Off-Tract Developer's Agreement", dated June 14, 1999, and recorded in the offices of the Morris County Clerk at Book DB5016; Page P216, (hereinafter, the "Agreement") which specifies the obligations of the Developer and the Borough with regard to various improvements; and

WHEREAS, N.J.S.A 40:67-1(b) authorizes the Governing Body of every municipality to make, amend, repeal and enforce ordinances to accept any street dedicated to public use, and thereafter, improve and maintain the same; and

WHEREAS, N.J.S.A 40A:12-4 authorizes any municipality to acquire and accept easements; and

WHEREAS, prior to the Development, the street known as Maple Lake Road was a dedicated public street which, in connection with the Development, certain additional improvements were undertaken; and

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Kinnelon, County of Morris, State of New Jersey, as follows:

SECTION 1. The Borough hereby accepts all improvements in the Right of Way of Maple Lake Road, in the Borough of Kinnelon, as set forth in a certain Preliminary and Final Site Plans, approved on November 13, 1997 and April 8, 1999, in accordance with the Agreement.

SECTION 3. With regard to the "on-tract" water system set forth in the Agreement, all water mains in excess of 8"; hydrants; valves and individual service meters, be and hereby are accepted by the Borough in accordance with the terms of the

Agreement. Such acceptance specifically excludes all common water lines connecting individual units to the water main located in the Right of Way. Such acceptance of the "on-tract" water system is subject to the conveyance of same to the Borough by a "Bill of Sale".

SECTION 4. With regard to the "off-tract" water system, otherwise designated as the "Water Project" in the Agreement, be and hereby is accepted by the Borough. Said acceptance includes, but may not be limited to: approximately 1300 linear feet of 12" water main in Kiel Avenue; all hydrants, valves and appurtenances to the 12" water main in Kiel Avenue; and an underground pressure reducing vault. Such acceptance of the "off-tract" water system is subject to the conveyance of same to the Borough by a "Bill of Sale".

SECTION 5. With regard to the "on-tract" sanitary sewer system as such term is used in the Agreement, all sewer mains 8" in diameter, and larger, be and hereby are accepted by the Borough. Such acceptance of the "on-tract" sanitary sewer system is subject to the conveyance of same to the Borough by a "Bill of Sale".

SECTION 6. With regard to the "off-tract" sewer system, otherwise known as the "Sewer Project" as set forth in the Agreement, same be and hereby is accepted by the Borough. Said

SECTION 12. EFFECTIVE DATE. This Ordinance shall take effect upon passage and publication according to law.

ATTEST:

BOROUGH OF KINNELON

Elizabeth M. Sebrowski, Borough Clerk

Robert Collins, Mayor

C E R T I F I C A T I O N

I, Elizabeth M. Sebrowski, Borough Clerk of the Borough of Kinnelon, County of Morris, State of New Jersey, do hereby certify the foregoing to be a true copy of an Ordinance introduced, read by title and passed on the first reading at a regular meeting of the Borough held on _____, 2012 and adopted by the Governing Body at a regular meeting of the Borough held on _____, 2012.

Elizabeth M. Sebrowski, Borough Clerk