

**AN ORDINANCE ACCEPTING RIGHTS-OF-WAY DEDICATION WITHIN
SHILOH COURT DEVELOPMENT**

MC 2009 - 24

WHEREAS, Shiloh at West 7th Street, LLC (Shiloh) having offices at 710 Old Bridge Turnpike, South River, New Jersey 08882 was the developer of the Shiloh Court major subdivision, Zoning Board of Adjustment Application ZB 03-31 at 1045-1047 West Seventh Street within the City of Plainfield; and

WHEREAS, on November 3, 2005, the Plainfield Zoning Board of Adjustment granted major subdivision approval to Shiloh allowing Lot 11, within Block 535 to be subdivided into six (6) new lots and further allowed for the construction of a new public roadway therein; and

WHEREAS, Shiloh was required to dedicate the new roadway Right-of-Way to the City of Plainfield pursuant to Zoning Board of Adjustment approvals for the subdivision; and

WHEREAS, Shiloh has presented a Right-of-Way Dedication for filing with the City Clerk (Attachment A); and

WHEREAS, the City of Plainfield desires to accept said Dedication and record same with the County Clerk; and

WHEREAS, as a condition of approval, Shiloh posted a performance guarantee (Bond #5020405 from Bond Safeguard Insurance Company) on June 26, 2006 in the amount of \$217,355.40 and a cash deposit of \$24,150.60 based on a June 7, 2006 engineering estimate from T&M Associates; and

WHEREAS, on November 22, 2006 the City Council adopted Ordinance MC-2006-36 naming the right-of-way Shiloh Court; and

WHEREAS, on May 5, 2008 City Council adopted resolution R 233-08 reducing the performance guarantee to \$81,564.00 based on a February 20, 2008 letter from T&M Associates, wherein they indicated which site items previously bonded have been acceptably completed and for which items the reduced bond had to be retained; and

WHEREAS, T&M Associates has submitted a letter (Attachment B) stating that all requisite work associated with the road construction including street lighting has been satisfactorily completed, except those items as noted, and that the City should retain 30% of the original performance bond in order to ensure that this remaining work is completed; and

WHEREAS, the City has retained \$81,564.00, which is 33% of the original bond estimate for all of the site work.

NOW THEREFORE, BE IT ENACTED, by the Plainfield City Council of the City of Plainfield, County of Union, State of New Jersey, the City of Plainfield as follows:

Section One: The City of Plainfield hereby accepts the attached Right-of-Way as described on the attached deed of dedication as a public street. The Mayor is hereby authorized to execute the Dedication. The Plainfield City Clerk is authorized to arrange for the filing of same with the County Clerk following execution by the Mayor.

Section Two: All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

Section Three: If any section, paragraph, subdivision, clause or provision of this ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this ordinance shall be deemed valid and effective.

Section Four: This ordinance shall become effective upon final passage and publication according to law.