

RESOLUTION NO. 120-2020
**A RESOLUTION DETERMINING THE DEVELOPER
OF THE MADHATTER PROJECT AT BLOCK 19, LOT 3
IN THE BOROUGH OF SEA BRIGHT TO BE IN DEFAULT**

Councilmember Leckstein introduced and offered for adoption the following Resolution; seconded by Councilmember Birdsall:

WHEREAS, in August, 2016, Kelly Management Group, L.L.C., the owner of premises known and designated on the tax map as Lot 3 in Block 19 and commonly known as 10 East Ocean Avenue in the Borough of Sea Bright received site plan and variance approval from the Unified Planning Board for the demolition of the existing improvements and the reconstruction of a new elevated restaurant on the first and second floor with various other improvements; and

WHEREAS, in June, 2017, the aforesaid Developer posted performance bond number 1146088 issued by Lexon Insurance Company to guarantee the satisfactory completion with all required improvements pertaining to the project; and

WHEREAS, although the Developer began construction of the project, construction activity ceased leaving the improvements in an unsafe condition; and

WHEREAS, in connection with the construction of the aforesaid improvements, the Developer removed existing sidewalk within the public right of way of 10 East Ocean Avenue; and

WHEREAS, despite multiple requests and notices to do so, the Developer has failed and refused to replace the public sidewalk, resulting in a dangerous condition to and for pedestrians on East Ocean Avenue; and

WHEREAS, the Borough provided notice to Lexon Insurance Company of the Developer's default on or about April 3, 2020; and

WHEREAS, as of today's date, the Developer has taken no action and neither the Developer nor the bonding company has responded to the notices issued on April 3, 2020; and

WHEREAS, the Borough Council therefore desires to determine the Developer, Kelly Management Group, L.L.C. and S Kelly Corporation d/b/a/ Mad Hatter to be in default and seek relief from the aforesaid bonding company.

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, does hereby declare Kelly Management Group d/b/a Mad Hatter and S Kelly Corporation d/b/a Mad Hatter, the Developer of the project known as the Mad Hatter, to be in default of its obligations under the aforesaid approval.

BE IT FURTHER RESOLVED that the Borough Council hereby authorizes the appropriate Borough Officials to seek relief from Lexon Insurance Company under bond number 1146088 posted with the Borough of Sea Bright.

BE IT FURTHER RESOLVED that the Zoning Officer, the Construction Official, and the Borough Engineer be and are hereby authorized and directed to issue stop work orders in connection with all permits which have been previously issued in connection with the Mad Hatter Development on June 19, 2020 unless the Developer has properly reconstructed the sidewalk in the public right of way and taken other affirmative steps to restart construction.

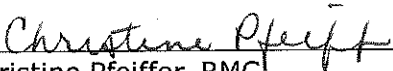
BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to the following:

1. Borough Attorney
2. Borough Engineer
3. Construction official
4. Zoning officer
5. The Developer
6. Lexon Insurance Company

Roll Call:	Birdsall,	Catalano,	Keeler,	Leckstein,	Rooney,	Schwartz
	Yes	Yes	Yes	Yes	Yes	Yes

CERTIFICATION

I, Christine Pfeiffer, Borough Clerk do hereby certify that the foregoing is a Resolution adopted by the Borough Council of the Borough of Sea Bright, County of Monmouth, State of New Jersey, at a Council meeting held on May 19, 2020.



Christine Pfeiffer, RMC