

EZRA BUILDERS, LLC
208 EAST MAIN STREET 1ST FLOOR
SOMERVILLE, NEW JERSEY 08876-3019
732-770-5449

February4, 2018

TO: MUNICIPAL CLERK

TOWNSHIP OF WEST ORANGE

66 MAIN STREET

WEST ORANGE , NEW JERSEY 07052

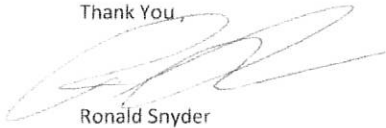
Re: 45-49 LINCOLN AVENUE PERFORMANCE BOND # ct021374

Please be advised that the offsite improvements have been completed for the above referenced project

And we would like to have the performance bond released.

We will provide the maintenance bond upon request

Thank You,

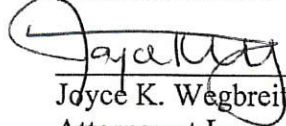


Ronald Snyder

Ezra Builders, LLC

CC: jacki@licatoagency.com

PREPARED BY:


 Joyce K. Wegbreit
 Attorney at Law
 State of New Jersey

AMENDMENT TO AND ASSUMPTION OF DEVELOPER'S AGREEMENT

THIS AGREEMENT, made this 26 day of June, 2015, by Barbara Forfar, Executrix of the Estate of Hugh M. Forfar, Jr., deceased (the "Developer") having its principal place of business at 41 Lincoln Avenue, West Orange, New Jersey 07052 and THE TOWNSHIP OF WEST ORANGE, having its principal place of business at 66 Main Street, West Orange, New Jersey 07052 (the "Township") and EZRA Builders, LLC having its principal place of business at 209 Warrenville Road, Greenbrook, New Jersey 08812 (the "Successor in Title").

WITNESSETH

WHEREAS, the Developer and Township entered into a Developer's Agreement ("Agreement") dated November 19, 2013 in connection with a three (3) lot subdivision which Agreement is annexed hereto as "Exhibit A", the scope of which relates to construction and development work in and around Block 175.09, Lots 2 & 4 on the Tax Map of the Township, now known as Block 175.09, Lots 2, 4.01, & 4.02, also known as 45-49 Lincoln Avenue. The project is known as the Final Major Subdivision Map Lincoln Avenue Extension ("The Subdivision");

WHEREAS, parties hereto have agreed to enter into this Amendment to the Agreement ("Amendment"); and

WHEREAS, the Developer and Successor in Title have requested that the Township Council for the Township authorize an extension of the time period for completion of construction set forth in Paragraph 7 of the aforementioned Agreement to December 31, 2016; and

WHEREAS, Developer is assigning all of the obligations of this Agreement to the Successor in Title and the Successor in Title has agreed to assume all obligations of this Agreement pursuant to Paragraph 16 of the aforementioned Agreement;

NOW THEREFORE, in consideration of the foregoing and of the mutual covenants hereinafter set forth, it is hereby agreed between the parties hereto as follows:

1. The time periods for completion of construction of all improvements contemplated under the Developer's Agreement as set forth in Paragraph 7 of the Agreement is hereby extended until December 31, 2016.

2. Pursuant to Paragraph 16 of the Agreement, Developer hereby assigns all obligations of the Agreement to the Successor in Title and Successor in Title agrees to assume and further agrees to perform all of the obligations recited in the Agreement. Furthermore, the Township hereby acknowledges said assignment and assumption and agrees to release the Developer from any further responsibility under the Agreement upon transfer of title from the Developer to the Successor in Title. This Amendment and assignment shall not be deemed a waiver of the Township's rights to enforce the provisions of this Agreement against any party in connection with their obligations hereunder.
3. All other terms and conditions of the aforementioned Agreement shall remain in full force and effect unless specifically amended by this Agreement.

Witness/Attest

By:

Witness/Attest

By:

Witness/Attest

By:

Estate of Hugh M. Forfar, Jr., deceased

By: Barbara Forfar, Executrix

EZRA Builders, LLC

By: Evan Topilow, member

Township of West Orange

By: Robert D. Parisi, Mayor

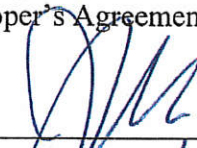
STATE OF NEW JERSEY:

COUNTY OF

SS:

I certify that on June 19, 2015, Barbara Forfar, Executrix of the Estate of Hugh M. Forfar, Jr. deceased, personally came before me and acknowledged under oath, to my satisfaction, that this person

- a) is named in and personally signed this Amendment to Developer's Agreement;
- b) signed, sealed and delivered this instrument as his or her act and deed;
- c) is authorized to execute this instrument as Executrix of the Estate of Hugh M. Forfar, Jr., deceased, the entity named in this instrument;
- d) executed this Amendment to Developer's Agreement as the act of the entity named in this Amendment to Developer's Agreement.



Joseph A. Vena
Notary Public in and for the State of New Jersey

STATE OF NEW JERSEY:
COUNTY OF UNION SS:

I certify that on June 17, 2015, Evan Topilow, member of EZRA Builders LLC, personally came before me and acknowledged under oath, to my satisfaction, that this person

- a) is named in and personally signed this Amendment to Developer's Agreement;
- b) signed, sealed and delivered this instrument as his or her act and deed;
- c) is authorized to execute this instrument as member of EZRA Builders LLC, the entity named in this instrument;
- e) executed this Amendment to Developer's Agreement as the act of the entity named in this Amendment to Developer's Agreement.

A handwritten signature in black ink, appearing to read "Joyce K. Wegbreit", is written over a horizontal line.

Joyce K. Wegbreit
Attorney At Law
State of New Jersey

STATE OF NEW JERSEY:

COUNTY OF

SS:

I certify that on 26th of June, 2015, Robert D. Parisi, Mayor, personally came before me and acknowledged under oath, to my satisfaction, that this person

- a) this person is the Mayor of the Township of West Orange, the municipality named in this Amendment to Agreement;
- b) is the attesting witness to the signing of this Amendment by the proper municipal representative who is Robert D. Parisi, Mayor.;
- c) this Agreement was authorized by a Resolution of the Township Council of West Orange;
- d) this person knows that the proper seal of the municipality was affixed to this Amendment; and
- e) this person signed this proof to attest to the truth of these facts.



SHARIANN P. QUIRK
Notary Public of New Jersey
My Commission Expires on 4/13/2020

ENGINEER'S COST ESTIMATE

LINCOLN AVENUE EXTENSION

MAJOR SUBDIVISION

BLOCK 175.09, LOTS 2 & 4

LINCOLN AVENUE

ITEM NO.	DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	AMOUNT
1	Maintenance & Protection of Traffic	LS	LS	\$500.00	\$500.00
2	Bit Conc. Surface Course, 2" Thick	155	TONS	\$85.00	\$13,175.00
3	Storm Inlet Retention Chamber	2	UNIT	\$7,500.00	\$15,000.00
4	HDPE Pipe	26	L.F.	\$27.00	\$702.00
5	Soil Erosion Control	LS	LS	\$500.00	\$500.00
6	Shade Trees	5	EA	\$250.00	\$1,250.00
7	Monuments	4	EA	\$200.00	\$800.00
8	Concrete Sidewalk, 4 & 6 Inches Thick	110	SY	\$45.00	\$4,950.00
TOTAL					\$36,877.00

20%(NJSA 40:65D-53a.(1)	\$7,375.40
TOTAL PERFORMANCE	
GUARANTEE	\$44,252.40

10% CASH GUARANTEE
90% LETTER OF CREDIT
15% MAINTENANCE GUARANTEE

\$4,425.24
\$39,827.16
\$6,637.86

Tank Masters1@gmail.com
R Snyder192@optonline.net