

PROPOSED RESOLUTION NO. 115 – 2023

A RESOLUTION TO AUTHORIZE THE RELEASE OF THE SURETY BOND COVERING IMPROVEMENTS ON THE “MAP OF MARINA POINTE AT EAST ROCKAWAY” SITUATED IN THE VILLAGE OF EAST ROCKAWAY AND HAMLET OF OCEANSIDE, TOWN OF HEMPSTEAD, COUNTY OF NASSAU, NEW YORK.

WHEREAS, Beechwood Atlantic Ave., LLC (“Applicant”) submitted to the Nassau County Planning Commission (“Commission”), a request for a release of the surety bond and escrow deposit covering public improvements included on the approved subdivision map known as the “Map of Marina Pointe at East Rockaway” in the Village of East Rockaway and the Hamlet of Oceanside, Town of Hempstead, Nassau County, New York; and

WHEREAS, the Commission granted Final Subdivision Map approval on February 16, 2017; and

WHEREAS, said public improvements were secured by Applicant in the form of a surety bond secured by Fidelity and Deposit Company of Maryland, in the amount of \$1,467,678.33 and Cash Escrow deposit held by Nassau County in the amount of \$47,453.97; and

WHEREAS, on November 21, 2022, the Applicant applied for release of the Surety Bond in the amount of \$1,467,678.33 and Cash Escrow in the amount of \$47,453.97; and

WHEREAS, upon inspection by the Nassau County Department of Public Works (“DPW”), DPW determined that all required public improvements were constructed and completed in accordance with the appropriate County codes, standards and specifications and recommended that the bond and escrow be released; and

WHEREAS, on March 30, 2023, the Commission conducted a duly noticed public hearing on the proposed release of Surety Bond and Cash Escrow; and

WHEREAS, at said hearing, the Commission gave full consideration of the application, testimony, and public comment, if any, presented at the public hearing and inspection report; and

WHEREAS, during the public comment portion of said public hearing, an individual residing at Marina Pointe at East Rockaway spoke and brought to the attention of the Commission that one of the bonded public improvements, a portion of a sidewalk, required remediation; and

WHEREAS, the Commission has recommended to the County Legislature that the Surety Bond should now be released, but that the Cash Escrow continue to be held until that portion of the sidewalk in need of remediation has been repaired and inspected; and

WHEREAS, the Commission, by resolution, has recommended that the Principal and Surety on said Bond in the amount of \$1,467,678.33 be released from further liability thereunder; now therefore be it

RESOLVED, that the Nassau County Legislature does hereby consent to and authorize the release of the Principal and Surety on the following Surety Bond and from any further liability thereunder:

<u>Date of Resolution</u>	<u>Plat/location</u>	<u>Principal</u>	<u>Amount of Surety Bond</u>
3/30/2023	“Map of Marina Pointe at East Rockaway”: Village of East Rockaway and Hamlet of Oceanside, Town of Hempstead	Beechwood Atlantic Ave., LLC	\$1,467,678.33

