

RESOLUTION OF THE TOWNSHIP OF IRVINGTON, NJ

No. OCDP 19-0923-22

Date of Adoption SEPTEMBER 23, 2019

APPROVED AS TO FORM AND LEGALITY ON THE BASIS OF FACTS SET FORTH BY


Legislative Research Officer

PRESENTED BY COUNCIL MEMBER

BEASLEY

SECONDED BY

HUDLEY

RESOLUTION OF THE TOWNSHIP OF IRVINGTON AUTHORIZING AN ACCESS AGREEMENT WITH REDEVELOPMENT CAPITAL PARTNERS, LLC

WHEREAS, the Municipal Council (the "Township Council") of the Township of Irvington (the "Township") is authorized pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the "Redevelopment Law"), to determine whether certain parcels of land within the Township constitute an area in need of rehabilitation and/or an area in need of redevelopment; and

WHEREAS, in accordance with the requirements of the Redevelopment Law, by Resolution dated July 14, 2015 the Township Council designated the entire Township as an area in need of rehabilitation (the "Rehabilitation Area"); and

WHEREAS, by Ordinance MC No. 3549 dated August 11, 2015, the Township Council duly adopted a redevelopment plan to govern the redevelopment of the Rehabilitation Area, entitled the *Township-Wide Area in need of Rehabilitation Redevelopment Plan* (the "Redevelopment Plan") in accordance with the requirements of the Redevelopment Law; and

WHEREAS, to realize the redevelopment of the Rehabilitation Area, the Township determined to exercise the powers of redevelopment and serve as the "redevelopment entity" responsible for carrying out redevelopment projects in the Rehabilitation Area in accordance with the Redevelopment Plan, pursuant to *N.J.S.A. 40A: 12A-4(c)*; and

WHEREAS, pursuant to *N.J.S.A. 40A:12A-15*, with respect to a redevelopment project in an area in need of rehabilitation, the municipality or redevelopment entity, upon the adoption of a redevelopment plan for the area, may perform any of the actions set forth in *N.J.S.A. 40A:12A-8(g)*, specifically "lease or convey property or improvements to any other party pursuant to this section, without public bidding and at such prices and upon such terms as it deems reasonable, provided that the lease or conveyance is made in conjunction with a redevelopment plan..."; and

WHEREAS, the Township is the owner of the following properties located within the Rehabilitation Area:

| BLOCK | LOT | LOCATION |
|-------|-----|-------------------------------|
| 131 | 24 | 715 Grove Street |
| 136 | 24 | 35-39 22 nd Street |
| 136 | 29 | 21-23 22 nd Street |
| 137 | 11 | 36-38 22 nd Street |
| 141 | 17 | 127 22 nd Street. |
| 142 | 7 | 130 22 nd Street |
| 144 | 1 | 332 21 st Street |
| 148 | 23 | 95 22 nd Street |
| 162 | 23 | 413 21 st Street |
| 162 | 17 | 759 Springfield Avenue |
| 162 | 16 | 761 Springfield Avenue |
| 207 | 31 | 103 Ellis Avenue |

(the "Premises"); and

WHEREAS, Redevelopment Capital Partners, LLC ("RCP") proposes to acquire the Premises and to redevelop same; and

WHEREAS, pursuant to the Redevelopment Law and the Redevelopment Plan, the Township designated RCP as redeveloper of the Premises, subject to the acquisition of the Premises and the execution of a redevelopment agreement between the Township and RCP for the redevelopment of same; and

WHEREAS, to facilitate the Parties' negotiation of a redevelopment agreement, RCP requires access to the Premises to perform visual, non-invasive inspection of the Premises; and

WHEREAS, the Township desires to authorize a site access agreement, in substantially the form attached hereto (the "Access Agreement"), to establish the terms and conditions of such access to the Premises,

NOW, THEREFORE, BE IT RESOLVED by the Municipal Council Township of Irvington as follows:

Section 1. Generally. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. Execution of Agreement. The Township Council hereby authorizes the Mayor to execute the Access Agreement substantially in the form attached hereto as Exhibit A, with such changes, deletions, and modifications in consultation with counsel as may be necessary or desirable to effect the transaction contemplated by this resolution. However, neither the adoption of this resolution, nor the execution of the Access Agreement authorized hereby, shall be construed in any way to bind the Township to execute one or more definitive agreements with respect to the Premises.

Section 3. Severability. If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

Section 4. Availability of the Resolution. A copy of this resolution shall be available for public inspection at the office of the Municipal Clerk.

Section 5. Effective Date. This resolution shall take effect immediately.

RECORD OF COUNCIL VOTE

X = Indicates Vote N.V. = No Vote A.B. = Absent

| COUNCIL MEMBER | YES | NO | N.V. | A.B. | COUNCIL MEMBER | YES | NO | N.V. | A.B. |
|----------------|-----|----|------|------|----------------|-----|----|------|------|
| BEASLEY | X | | | | DR. HUDLEY | X | | | |
| BURGESS | X | | | | INMAN | | X | | |
| COX | X | | | | VICK | X | | | |
| FREDERIC | X | | | | | | | | |

ACTING PRESIDENT OF COUNCIL [Signature] MUNICIPAL CLERK [Signature] DATE September 23, 2019

I hereby certify that the foregoing is a true copy of a Resolution duly adopted by the Municipal Council. In witness whereof I have hereunto set my hand and the Corporate Seal of the Township of Irvington.

MUNICIPAL CLERK [Signature] DATE SEP 23 2019



ADMINISTRATOR ASSESSOR BLDG CFO COLLECTOR COURT EDGO ENGINEER FIRE~CF HEALTH HOUSING INIC JUDGE LEGAL LIBR LICEN MAYOR NPP OCDP PARKS PAYROLL PUBLIC SAFETY~DIR PUBLIC WORKS PURCHASING SEC~PB/ZBA TRAFFIC ZONING~OFF DLGS GNCD OTHER(S): _____