



Township Council  
1 Municipal Plaza  
Bloomfield, NJ 07003

Louise M. Palagano  
Municipal Clerk

<http://www.bloomfieldwpnj.com>

Meeting: 06/24/19 07:00 PM

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## 2019 RESOLUTION AGREEMENTS

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**RESOLUTION OF THE TOWNSHIP OF BLOOMFIELD, IN THE COUNTY OF ESSEX, AUTHORIZING AN AMENDED AND RESTATED MASTER DEED MADE BY THE TOWNSHIP OF BLOOMFIELD AND LACKAWANNA STATION URBAN RENEWAL, LLC, AS SPONSORS OF LACKAWANNA STATION CONDOMINIUM, TO ADDRESS THE ELIMINATION OF COMMUNITY BENEFIT SPACE WITHIN THE REDEVELOPMENT PROJECT TO BE CONSTRUCTED ON BLOCK 225, LOT 1 (F/K/A BLOCK 225, LOTS 1 AND 9)**

### RECITALS

**WHEREAS**, by resolution duly adopted on December 18, 2000, the Township Council of the Township of Bloomfield (the "**Township Council**") designated a portion of the Township, consisting of the properties then identified as Block 220, Lot 40, Block 225, Lots 1 and 9, Block 227, Lots 1, 3, 5, 6, 8, 9, 10, 11, 12, 13, 15, 16, 17, 19, 20, 22, 24, 26, 30, 31, 32 and 35, Block 228, Lots 1, 4, 5, 7, 8, 10, 11, 13, 14, 15, 16, 17, 18, 19, 21, 24, 27, 28, 29, 30, 31, 33 and 35, and Block 243, Lots 1, 3, 4, 5, 6, 7, 8, 10, 11, 13, 15, 17, 18 and 20 on the Township's tax map (collectively, the "**Redevelopment Area**"), as an area in need of redevelopment pursuant to the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.* (the "**Redevelopment Law**"); and

**WHEREAS**, by ordinance finally adopted on December 15, 2008, the Township Council approved and adopted a redevelopment plan, as amended by ordinance adopted on November 21, 2011 and further amended by ordinance adopted on April 29, 2019, approving and adopting a Redevelopment Plan, entitled "Bloomfield Center Redevelopment Plan - Phase I" for the Redevelopment Area (and as may be amended from time to time, collectively, the "**Redevelopment Plan**"); and

**WHEREAS**, on October 17, 2016, the Township Council adopted a resolution conditionally designating redeveloper's affiliate as redeveloper of Block 225, Lot 1 (f/k/a Block 225, Lots 1 and 9) on the Tax Maps of the Township of Bloomfield (the "**Project Site**") as the redeveloper of the Project Site, subject to the successful negotiation of a redevelopment agreement; and

**WHEREAS**, on February 13, 2017 the Township of Bloomfield (the "**Township**") and Lackawanna Station Urban Renewal, LLC (the "**Redeveloper**") entered into a Redevelopment Agreement for the redevelopment of the Project Site (the "**Original Redevelopment Agreement**"), as amended by that certain First Amendment to Redevelopment Agreement, dated February 26, 2018 (the "**First Amendment**"), that certain Second Amendment to Redevelopment Agreement, dated May 21, 2018 (the "**Second Amendment**"), and that certain Third Amendment to Redevelopment Agreement, approved by the Township Council via Resolution R-19-199-5-20-19 on May 20, 2019 (the "**Third Amendment**"), and together with the Original Redevelopment Agreement, the First Amendment, and the Second Amendment, the "**Redevelopment Agreement**"); and

**WHEREAS**, pursuant to the terms of the Redevelopment Agreement, as amended, the Township and the Redeveloper agreed that the redevelopment of the Project Site would consist of a mixed use project including: (i) a parking garage with approximately 314 parking spaces, (ii) approximately 176 residential units, and (iii) certain roadway improvements which were agreed to by the Township and the Redeveloper to be constructed in lieu of approximately 2,700 square feet of community space to be utilized by the Township (collectively the "**Redevelopment Project**" or the "**Project**"); and

**WHEREAS**, the Township and the Redeveloper previously caused the formation of a condominium, known as Lackawanna Station Condominium (the "**Condominium**"), by recording a master deed relating thereto on October 2, 2018 in the Essex County Register's Office as Instrument Number 2018085328 (the "**Original Master Deed**"); and

**WHEREAS**, the Original Master Deed contained three (3) condominium units, a Residential Unit, a Garage Unit, and a Community Unit, and related common elements; and

**WHEREAS**, the Garage Unit, by deed dated September 28, 2018, and the Community Unit, by deed dated September 26, 2018, were conveyed to the Township, and the Residential Unit, by deed dated September 28, 2018, was conveyed to the Redeveloper; and

**WHEREAS**, it is the intention of the Township to convey the Community Unit to the Redeveloper, and accept from the Redeveloper, by way of a deed of dedication, a portion of the land on which the Community Unit was to be constructed for the purpose of facilitating the construction of certain roadway improvements; and

**WHEREAS**, it is the intention of the Township and the Redeveloper, as sponsor of the Condominium, to amend and restate the Original Master Deed to effectuate the elimination of

the Community Unit, to exclude a portion of the land from the Condominium, and thereafter cause the establishment of the Project Site as a two-unit commercial condominium, namely with a Residential Unit and a Garage Unit and related common elements, either simultaneously with or immediately after the recording of the Amended and Restated Master Deed, in substantially the form annexed hereto as **Exhibit A**, pursuant to the provisions of the New Jersey Condominium Act, N.J.S.A.46:8B-1 et seq.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Council, as follows:

**Section 1.** The foregoing recitals are incorporated herein by reference as though specifically set forth herein below.

**Section 2.** The Township Council finds that it is in the best interests of the Township and the Redevelopment Area to amend and restated the Original Master Deed in order to eliminate the Community Unit and to establish the two-unit commercial condominium in order to further facilitate the roadway improvements.

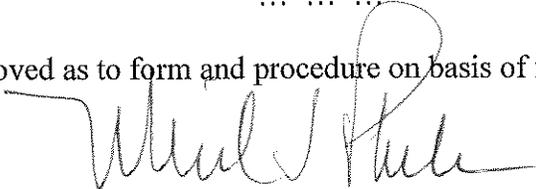
**Section 3.** The Township Council hereby authorizes the execution of the Amended and Restated Master Deed, in substantially the same form annexed hereto as **Exhibit A**, with any modification to be approved by the Township Attorney. The Township Council finds that the Amended and Restated Master Deed is consistent with and in furtherance of the goals of the Township, the Redevelopment Plan, and the Redevelopment Agreement, and is in the best interests of the Township and its residents. The Mayor and/or his designee are hereby authorized to execute and deliver the Amended and Restated Master Deed.

**Section 4.** If any parts of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts hereof.

**Section 5.** This Resolution shall take effect immediately.

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Approved as to form and procedure on basis of facts set forth.

  
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Director of Law-Township Attorney

I do hereby certify that the funding will be legally appropriated per the above information for the purpose specified in the attached contract. Furthermore, it has been represented to me that the contracts have been processed in accordance with the applicable provisions of New Jersey Local Public Contract Law and the Code of the Township of Bloomfield.

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 Chief Financial Officer

I hereby certify that the above resolution was duly adopted by the Mayor and Council of the Township of Bloomfield at a meeting of said Township Council held on June 24, 2019.

*Lucretia Palaganov*  
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 Municipal Clerk of the Township of Bloomfield

*Me Vg*  
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 Mayor of the Township of Bloomfield

✓ Vote Record – Resolution					
		Yes/Aye	No/Nay	Abstain	Absent
<input type="checkbox"/> Adopt					
<input type="checkbox"/> Deny					
<input type="checkbox"/> Withdrawn	Jenny Mundell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Table	Nicholas Joanow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Not Discussed	Sarah Cruz	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> First Reading	Wartyna Davis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Table with no Vote	Ted Gamble	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input type="checkbox"/> Approve	Richard Rockwell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Veto by Mayor	Michael J. Venezia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Discussion					
<input type="checkbox"/> Defeated					
<input type="checkbox"/> Discussion No Vote					