



Township Council
1 Municipal Plaza
Bloomfield, NJ 07003

Louise M. Palagano
Municipal Clerk

<http://www.bloomfieldtwpnj.com>

Meeting: 06/18/12 07:00 PM

2012 RESOLUTION AGREEMENTS

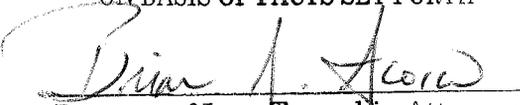
RESOLUTION OF THE TOWNSHIP OF BLOOMFIELD, IN THE COUNTY OF ESSEX, NEW JERSEY AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE REDEVELOPMENT AGREEMENT, DATED MARCH 8, 2011 BY AND BETWEEN THE TOWNSHIP AND BLOOMFIELD CENTER URBAN RENEWAL, LLC

WHEREAS, on October 12, 2010, the Mayor and Council (the "**Mayor and Council**") of the Township of Bloomfield (the "**Township**") adopted a resolution designating the properties then commonly known as 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 & 35, and Block 220, Lot 40 on the tax map of the Township as an area in need of redevelopment (the "**Redevelopment Area**") in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.*, as amended and supplemented (the "**Redevelopment Law**"); and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7, on February 7, 2011, the Mayor and Council adopted an ordinance approving and adopting a Redevelopment Plan, dated December 23, 2010, as amended by ordinance adopted on February 21, 2012, for the Redevelopment Area and portions of the surrounding roadways that were part of a previously designated area in need of redevelopment (the "**Redevelopment Plan**"); and

WHEREAS, on February 22, 2011, the Mayor and Council adopted a resolution designating Bloomfield Center Urban Renewal, LLC (the "**Redeveloper**") as the redeveloper of the properties consisting of all of the tax lots on Block 228, as well as portions of the Lackawanna Place and Washington Street Rights of Way (the "**Additional Parcels**" and, together with the lots on Block 228, the "**Original Project Site**", which was, collectively,

ED AS TO FORM AND PROCEDURE
ON BASIS OF FACTS SET FORTH


Director of Law/Township Attorney

depicted in **Exhibit C** to the Redevelopment Agreement (as defined below), and which Original Project Site together with the Subsequently Vacated Rights-of-Way (as hereinafter defined), the “**Project Site**”); and

WHEREAS, the Township and the Redeveloper entered into a Redevelopment Agreement, dated March 8, 2011 (the “**Redevelopment Agreement**”), pursuant to which the Redeveloper will redevelop the Project Site by constructing thereon a project consisting of: (i) (A) approximately 60,000 square feet of retail space, including approximately 10,000 square feet of restaurant space (the “**Retail Project**”) and (B) approximately 224 residential units (the “**Residential Project**”) and together with the Retail Project, the “**BCUR Project**”) on the portion of the Project Site depicted in **Exhibit D** to the Redevelopment Agreement (the “**BCUR Project Site**”); and (ii) a parking garage (the “**Parking Garage**”) and, together with the BCUR Project, the “**Redevelopment Project**”) on the remaining portion of the Project Site depicted in **Exhibit E** to the Redevelopment Agreement (the “**Parking Garage Site**”); and

WHEREAS, the Parking Authority of the Township of Bloomfield (the “**Parking Authority**”) and the Redeveloper entered into a Land Swap Agreement, dated January 5, 2011, as amended by that certain First Amendment to Land Swap Agreement dated April 17, 2012 (as amended, the “**Land Swap Agreement**”), pursuant to which, among other things, the Parking Authority acquired portions of Block 228 previously owned by the Redeveloper and its affiliates, and is obligated to consolidate all of the lots of the Project Site into one parcel and thereafter subdivide the Project Site to create the BCUR Project Site and the Parking Garage Site; and

WHEREAS, the Parking Authority shall, pursuant to the Land Swap Agreement, convey the BCUR Project Site to the Redeveloper upon the satisfaction of certain conditions and at the

time set forth therein and, thereafter, the Redeveloper shall construct the BCUR Project thereon; and

WHEREAS, on March 7, 2011, the Mayor and Council adopted Ordinance No. 11-8 providing for the vacation of the Township's right, title and interest in the Additional Parcels and, by operation of applicable law, unencumbered title to such property vested in the Parking Authority as the owner of the parcels adjacent thereto; and

WHEREAS, by Deed dated January 5, 2012, the Parking Authority consolidated all of the tax lots on Block 228, along with the Additional Parcels, into one new tax lot, known as Block 228, Lot 1; and

WHEREAS, on February 6, 2012, the Mayor and Council adopted Ordinance No. 12-3 providing for the vacation of the Township's right, title and interest in additional portions of the roadways surrounding Block 228 (as described more particularly in said ordinance, the "**Subsequently Vacated Rights-of-Way**") and, by operation of applicable law, unencumbered title to such Subsequently Vacated Rights-of-Way vested in the Parking Authority as the owner of the parcel adjacent thereto, and such property is part of the Project Site; and

WHEREAS, on May 19, 2011, the Planning Board of the Township (the "**Planning Board**") approved (i) the site plan presented by the Redeveloper and the Parking Authority in connection with the Redevelopment Project (the "**Site Plan Approval**") and (ii) the subdivision proposed by said parties dividing the Project Site into the BCUR Project Site and the Parking Garage Site (the "**Subdivision Approval**"), which approvals were both memorialized by resolution of the Planning Board adopted on June 14, 2011; and

WHEREAS, on May 30, 2012, the Planning Board approved certain modifications to the Site Plan Approval and the Subdivision Approval; and

WHEREAS, the Redeveloper and the Mayor and Council desire to make certain changes to the Redevelopment Project and to the descriptions of the Project Site, the BCUR Project Site, the Parking Garage Site, and the Project Schedule (as defined in the Redevelopment Agreement); and

WHEREAS, the Redeveloper and the Mayor and Council have determined to execute an Amendment to the Redevelopment Agreement ("**First Amendment to Redevelopment Agreement**") to memorialize such modifications; and

WHEREAS, the Mayor and Council now desire to authorize the execution of the First Amendment to Redevelopment Agreement.

NOW, THEREFORE BE IT RESOLVED, by the Mayor and Council of the Township of Bloomfield, in the County of Essex, New Jersey, as follows:

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

Section 2. The Mayor and Council hereby authorize the Mayor to execute the First Amendment to Redevelopment Agreement in substantially the same form as that on file with the Township Clerk which, by this reference is incorporated herein, with such additions, deletions and modifications as may be necessary after consultation with the Township's professional consultants. The Township Clerk is hereby authorized to attest same.

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

Section 4. A copy of this Resolution shall be available for public inspection at the offices of the Township.

Section 5. This Resolution shall take effect immediately.

* ... * ... * ... *

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 18, 2012.

Louise M. Gallego
 Municipal Clerk of the Township of Bloomfield

Raymond McCarthy
 Mayor of the Township of Bloomfield

✓ Vote Record - Resolution 1873					
		Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Adopted					
<input type="checkbox"/> Adopted as Amended					
<input type="checkbox"/> Defeated					
<input type="checkbox"/> Withdrawn					
<input type="checkbox"/> Tabled					
<input type="checkbox"/> Approved					
<input type="checkbox"/> Approved by Consensus					
<input type="checkbox"/> Not Discussed					
<input type="checkbox"/> Tabled with No Vote					
<input type="checkbox"/> Discussed					
<input type="checkbox"/> Veto by Mayor					
	Elias Chalet	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Nicholas Joanow	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Carlos Bernard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Michael Venezia	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Peggy O'Boyle Dunigan	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Bernard Hamilton	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Raymond McCarthy	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>