

**RESOLUTION OF THE TOWNSHIP OF WEST ORANGE,
IN THE COUNTY OF ESSEX, NEW JERSEY,
DESIGNATING A REDEVELOPER AND AUTHORIZING
THE EXECUTION OF A REDEVELOPMENT
AGREEMENT FOR THE PROPERTY KNOWN AS BLOCK
9, LOTS 11.01, 11.02, 11.03, 32 & 36 AND BLOCK 7, LOT 22
ON THE TAX MAP OF THE TOWNSHIP**

WHEREAS, the Township of West Orange (the “Township”), adopted Resolution 228-16 on October 26, 2016 designating, Block 9, Lots 11.01, 11.02, 11.03, 32, & 36 and Block 7, Lot 22 as a condemnation “area in need of redevelopment” (the “Redevelopment Area”) pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “Redevelopment Law”); and

WHEREAS, the Redevelopment Area includes the properties identified as Block 9, Lot 36 and Block 7, Lot 22 on the tax maps of the Township known as 18 Central Avenue (the “Selecto-Flash Property”) currently owned by the Township following the issuance of a final judgment dated December 7, 2016 in an In Rem Tax Foreclosure; and

WHEREAS, in accordance with the Redevelopment Law, the Township adopted Ordinance 2499-16 on January 3, 2017 enacting a redevelopment plan for the Redevelopment Area entitled “Redevelopment Plan Block 9, Lots 11.01, 11.02, 11.03, 32, & 36 and Block 7, Lot 22” (as further amended and supplemented from time to time, the “Redevelopment Plan”); and

WHEREAS, on March 7, 2017, the Township adopted Resolution 74-17 which authorized the designation of the Alpert Group, LLC (the “Redeveloper”) as the interim redeveloper of the Redevelopment Area and the execution of an Interim Redevelopment Agreement with the Redeveloper (the “Interim Agreement”); and

WHEREAS, as the interim redeveloper, the Redeveloper was provided a right to purchase the Selecto-Flash Property for a purchase price of \$1.5 million; and

WHEREAS, in addition to the designation of the Redeveloper as the interim redeveloper for the Redevelopment Area, the Interim Agreement also provided that the Redeveloper would fund and perform demolition of the existing structure on the Selecto-Flash Property; and

WHEREAS, on September 4, 2018, the Township Council adopted Resolution 192-18 which authorized the execution of a First Amendment to Interim Agreement between Township and the Redeveloper (the “First Interim Agreement Amendment”); and

WHEREAS, the First Interim Agreement Amendment provided for the assignment of an Agreement of Sale for the purchase of the property identified as Block 9, Lot 32 on the official tax maps of the Township known as 8-10 Central Avenue or 4-10 Central Avenue (the “Biddleman Property”) to allow the Township to purchase the Biddleman Property and for the Redeveloper to fund the purchase to be credited towards the purchase price of the Selecto-Flash Property; and

WHEREAS, on December 11, 2018, the Township Council adopted Resolution 270-18 which authorized the execution of a Second Amendment to Interim Agreement between Township and the Redeveloper (the “Second Interim Agreement Amendment”); and

WHEREAS, the Second Interim Agreement Amendment provided that the Redeveloper would fund 25% of that portion of the Remedial Action Workplan for the Selecto-Flash property representing the removal of the underground storage tanks from the Selecto-Flash Property as a credit to the purchase price for the Selecto-Flash Property; and

WHEREAS, the Redevelopment Area is part of the Central Valley Brownsfields Development Area (the “BDA”) and that the Township has retained and appointed Matrix New World Engineering with offices at 26 Columbia Turnpike, 2nd Floor, Florham Park, New Jersey 07932 as the Licensed Site Remediation Professional (“Matrix” or the “LSRP”) for the remediation of the Redevelopment Area with a specific focus on the Selecto Flash Property and the Biddleman Property (jointly hereinafter the “Properties”); and

WHEREAS, in order to effectuate the Redevelopment Plan and the redevelopment of the Properties, the Township desires to designate Redeveloper as the redeveloper of the Properties and to authorize the execution of a redevelopment agreement with the Redeveloper (in the form attached hereto as **Exhibit A**, (the “Redevelopment Agreement”).

NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of West Orange, in the County of Essex, New Jersey, that the foregoing recitals are hereby incorporated by reference as if fully set forth herein; and be it further

RESOLVED that the Redeveloper is hereby designated as the Redeveloper of the Properties; and be it further

RESOLVED that the Mayor be and is hereby authorized and directed to execute the Redevelopment Agreement, in the form attached hereto as **Exhibit A**, with such changes, omissions or amendments as the Mayor deems appropriate in consultation with the Township's general counsel, redevelopment planner and other Township professionals. The Clerk of the Township is hereby authorized and directed to attest to the Mayor’s signature and affix the seal of the Township to the Redevelopment Agreement. Upon execution and attestation of same, the

Mayor is hereby authorized to deliver the Redevelopment Agreement to the other parties thereto;
and be it further

RESOLVED that this resolution shall take effect immediately; and be it further

RESOLVED that notice of this award shall be available in the Clerk's office in
accordance with applicable law.

Karen J. Carnevale, RMC
Municipal Clerk

Cindy Matute-Brown
Council President

Adopted: March 23, 2021

EXHIBIT A

Form of Redevelopment Agreement