

RESOLUTION 2023-122

AUTHORIZING A RIGHT OF ENTRY AND ACCESS AGREEMENT BY AND BETWEEN THE TOWNSHIP OF FLORENCE AND PROJECT FREEDOM AT HISTORIC ROEBLING, LP TO ALLOW PROJECT FREEDOM AT HISTORIC ROEBLING, LP TO UNDERTAKE SITE WORK ON TOWNSHIP OWNED PROPERTY KNOWN AS BLOCK 121, LOT 4.02 PRIOR TO TRANSFER OF THE PROPERTY TO PROJECT FREEDOM AT HISTORIC ROEBLING, LP UNDER PREVIOUS AGREEMENTS WITH THE TOWNSHIP

WHEREAS, the Township of Florence, in the County of Burlington, New Jersey (the “**Township**”) is the owner of the real property identified as Block 121, Lot 4.02 on the Tax Maps of the Township, located on the southwestern corner of the intersection of Route 130 South and Hornberger Avenue, which is a roughly 10.5 acre site within the Township (the “**Property**”); and

WHEREAS, Township and Project Freedom, Inc., a New Jersey not-for-profit corporation (“**PFI**”), which is the sole shareholder of Historic Roebling Freedom Properties, Inc., a New Jersey corporation, which is the general partner of Project Freedom at Historic Roebling, LP (the “**Grantee**” under the Access Agreement defined below and referred to as the “**Grantee**” herein), entered into a Development Agreement, dated April 21, 2021, as amended June 19, 2021 (the “**Development Agreement**”) relating to the development of a 72-unit affordable rental housing project on the Property (the “**Affordable Housing Project**”); and

WHEREAS, Township and PFI, pursuant to the terms of the Development Agreement, further entered into an Option Agreement, dated April 21, 2021 (the “**Option Agreement**”) granting PFI an irrevocable exclusive option to acquire the Property, together with all necessary access and development easements, for \$1 from the Township pursuant to the terms thereof; and

WHEREAS, as permitted under the terms of the Development Agreement and the Option Agreement, PFI assigned each of those agreements to the Grantee; and

WHEREAS, the Option Agreement permits the Grantee to enter upon the Property to inspect, examine, survey, and make test borings, soil tests, and any other tests, studies and surveys which Grantee deems necessary or advisable; and

WHEREAS, Grantee has further requested the right of entry upon and access to the Property for the purpose of performing site work construction activities to prepare the Property to have a physical structure built upon it (herein called the “**Site Work Activities**” as further defined in the Access Agreement defined below) in connection with the proposed acquisition by Grantee of the Property and the development of the Affordable Housing Project; and

WHEREAS, Township has agreed to grant to Grantee, and Grantee has agreed to accept from Township, a non-exclusive, revocable license to enter upon the Property to perform the Site Work Activities in accordance with the terms and provisions of a certain Right of Entry and Access Agreement (the “**Access Agreement**”); and

WHEREAS, Township and Grantee desire to execute and enter into the Access Agreement for the purpose of setting forth their agreement with respect to the Site Work Activities and Grantee's entry upon the Property; and

WHEREAS, the Property is located within the Roebling Steel Plant Redevelopment Area and the Affordable Housing Project is a Redevelopment Project as defined in the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.* (the "**Act**"); and

WHEREAS, Section 8 of the Act allows for municipalities to enter into agreements for redevelopment project approved by a resolution of the governing body of the municipality; and

WHEREAS, to effectuate these plans, the Township Council desires to approve the terms of the Access Agreement substantially in the form attached hereto as Exhibit A;

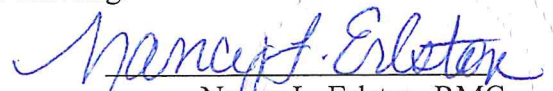
NOW, THEREFORE, Be It Resolved by the Township Council of the Township of Florence, in the County of Burlington, as follows:

1. Recitals. The recitals are fully incorporated herein.
2. Approval of the Temporary Use Agreement. The Access Agreement, in substantially the form attached hereto as Exhibit A, together with any non-material changes as may be agreed to by the Township through the office of the Business Administrator; is hereby approved.
3. Execution of the Temporary Use Agreement. The proper officials of the Township be and hereby are directed and authorized, upon satisfaction of all the legal conditions precedent to the execution and delivery by the Township of the Temporary Use Agreement, to execute the Access Agreement in substantially the forms of the draft attached hereto and with such non-material changes, insertions and omissions thereto as the Business Administrator, after consultation with the Township Attorney, deems in the Business Administrator's sole discretion to be necessary or desirable for the execution thereof, which execution thereof shall conclusively evidence the Township's and the Business Administrator's consent to any such changes thereto.
4. Attestation and Sealing of the Temporary Use Agreement. The Clerk of the Township is hereby authorized and directed, upon the execution of the Access Agreement in accordance with the terms of Section 4 hereof, to attest to the signature of the proper officials upon such documents and is hereby further authorized and directed thereupon to affix the corporate seal of the Township upon such documents.
5. Implementation of the Temporary Use Agreement. Upon the execution and attestation and placing of the seal on the Access Agreement as contemplated by Sections 4 and 5 hereof, the Mayor and Business Administrator, together with the necessary staff and professionals of the Township, are hereby authorized and directed to (i) deliver the fully executed, attested and sealed document to the other parties

thereto and (ii) perform such other actions as the Business Administrator deems necessary or desirable in relation to the execution and delivery of the Temporary Use Agreement.

6. 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.
7. Availability of The Resolution. A copy of this Resolution and the Access Agreement approved hereunder shall be available for public inspection at the offices of the Township.
8. Effective Date. This Resolution shall take effect in accordance with law.

I, Nancy L. Erlston, Clerk of the Township of Florence, County of Burlington, State of New Jersey, do hereby certify that the forgoing Resolution is a true copy of the resolution approved by Township Council at their June 7, 2023 meeting.



Nancy L. Erlston, RMC
Township Clerk