**RESOLUTION 2021-125**

**RESOLUTION OF THE TOWNSHIP OF FLORENCE, IN THE COUNTY OF BURLINGTON, NEW JERSEY APPROVING A REDEVELOPMENT AGREEMENT BY AND AMONG THE TOWNSHIP, DOMO URBAN RENEWAL LLC AND DOMO COMMERCIAL URBAN RENEWAL LLC, RELATED TO THE UNDERTAKING OF A REDEVELOPMENT PROJECT ON BLOCK 160.01, LOTS 4, 11.01, 11.02 AND 24 WITHIN THE TOWNSHIP**

**WHEREAS,** 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**, pursuant to N.J.S.A. 40A:12A-6(a) of the Redevelopment Law, the Township, by Resolution No. 2013-147 adopted on July 10, 2013, accepted the recommendation of the Florence Township Planning Board and designated certain property consisting of approximately 17.33 acres, located at 2054 Route 130 and designated as Lots 4, 11.01, 11.02 and 24 in Block 160.01 on the Township tax maps, as an "area in need of redevelopment" as that term is defined in the Redevelopment Law (the "**Redevelopment Area**"); and

**WHEREAS**, pursuant to such designation, the Township, by Ordinance No. 2018-03 adopted on February 7, 2019, and by Ordinance No. 2018-10 adopted on August 1, 2018, approved the Redevelopment Plan referenced as the "Redevelopment Plan, Weiss Properties, Route 130 and Cedar Lane (County Route 650), Block 160.01, Lots 4, 11.01, 11.02 and 24, Florence Township, Burlington County, New Jersey" (the "**Redevelopment Plan**"), a copy of which Ordinance and Redevelopment Plan are attached hereto as **Exhibit A** and made a part hereof, to govern the Redevelopment Area in accordance with the Redevelopment Law; and

**WHEREAS**, the Florence Township Council has been designated the "redevelopment entity" (as that term is defined in the Redevelopment Law) for the purpose of implementing the Redevelopment Plan under the Redevelopment Law; and

**WHEREAS**, Domo Urban Renewal, LLC and Domo Commercial Urban Renewal, LLC, each a New Jersey limited liability company and urban renewal entity qualified to do business under the provisions of the Long Term Tax Exemption Law of 1992, as amended and supplemented, N.J.S.A. 40A:20-1, et seq. (together, the "Redeveloper") are or will be the fee simple owner of the entire Redevelopment Area, except for a small parcel owned by the New Jersey Department of Transportation; and

**WHEREAS**, Redeveloper proposes to develop the Redevelopment Area, as shown on the Concept Plan attached hereto as **Exhibit B**, into a 104-room hotel, a 6,034 square-foot restaurant/retail building, and a 240-unit inclusionary multifamily development, in up to three phases (the "**Project**"); and

**WHEREAS**, the Township Planning Board, by Resolution No. PB-2019-14 adopted on June 25, 2019, granted Redeveloper minor subdivision and preliminary and final major site plan approvals (as subsequently amended, the "**Planning Board Approvals**") for the Project, subject to various conditions; and

**WHEREAS,** the Township and the Redeveloper have engaged in discussions directed towards facilitating the construction of the Redevelopment Project on the Project Site; and

**WHEREAS**, the Township and the Redeveloper have negotiated an agreement to govern the obligations and benefits of each party and providing for the redevelopment of the Project Site in accordance with the Redevelopment Plan ("Redevelopment 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 Township Administrator; and

**WHEREAS**, in accordance with the Section 8 of the Redevelopment Law (N.J.S.A. 40A:12A-8), the Council desires to name Domo Urban Renewal, LLC as the Redeveloper of the Project Site subject to the Redeveloper entering into the Redevelopment Agreement with the Township for the redevelopment of the Project Site in accordance with the Redevelopment Plan; and

**WHEREAS**, N.J.S.A. 40A:12-9 requires that all agreements, leases, deeds and other instruments between a municipality and a redeveloper shall contain a covenant running with the land addressing the matters set forth in a declaration of restrictions; and

**WHEREAS**, the Redevelopment Agreement contains such a covenant by the Redeveloper and its successors or assigns for as long as the Redevelopment Agreement remains in effect, as well as a covenant by the Redeveloper and its successors or assigns not to unlawfully discriminate upon the basis of age, race, color, creed, religion, ancestry, national origin, sex or familial status in the sale, lease, rental, use or occupancy of the Project Site or the Redevelopment Project; and

**WHEREAS**, the Redevelopment Agreement also provides that, except as set forth therein, the Project Site, and the Redevelopment Agreement and Redeveloper's interest therein, shall not be transferable, subject to certain conditions, prior to the issuance of a Certificate of Completion of the Redevelopment Project, and further provides certain remedies to the Township for defaults under the Redevelopment Agreement, including but not limited to violations of the covenants therein; and

**WHEREAS**, the Redevelopment Law provides that the Township may designate the Redeveloper and approve the Redevelopment Agreement through resolutions of the Township Council; and

**WHEREAS**, the Township Council desires to designate the Redeveloper and approve the execution of the Redevelopment Agreement on behalf of the Township;

**NOW THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF FLORENCE, IN THE COUNTY OF BURLINGTON, NEW JERSEY AS FOLLOWS:**

Section 1. Recitals. The recitals are fully incorporated herein.

Section 2. Designation of Redeveloper. Domo Urban Renewal, LLC and Domo Commercial Urban Renewal, LLC, each a New Jersey limited liability company and urban renewal entity and each having its offices at c/o Weiss Properties, 41 Bayard Street, 2nd Floor, New Brunswick, New Jersey 08901, together with permitted successors or assigns are hereby named as Redeveloper of Block 160.01, Lots 4, 11.01, 11.02 and 24 on the Official Tax Maps of the Township for the purposes of constructing thereon the Redevelopment Project. Such designation shall be contingent on the execution by the Redeveloper and the Township of a redevelopment 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 Township Administrator.

Section 3. Approval of the Redevelopment Agreement. The Redevelopment 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 Township Administrator; is hereby approved.

Section 4. Execution of the Redevelopment Agreement. The Mayor of the Township of Florence, in the County of Burlington (the "Mayor") is hereby authorized and directed, upon satisfaction of all the legal conditions precedent to the execution and delivery by the Township of the Redevelopment Agreement, to execute the Redevelopment Agreement in substantially the forms of the draft attached hereto and with such non-material changes, insertions and omissions thereto as the Mayor, after consultation with the Township Administrator and counsel to the Township, deems in the Mayor's sole discretion to be necessary or desirable for the execution thereof, which execution thereof shall conclusively evidence the Township's and the Mayor's consent to any such changes thereto.

Section 5. Attestation and Sealing of the Redevelopment Agreement. The Clerk of the Township is hereby authorized and directed, upon the execution of the Redevelopment Agreement in accordance with the terms of Section 4 hereof, to attest to the signature of the Mayor upon such documents and is hereby further authorized and directed thereupon to affix the corporate seal of the Township upon such documents.

Section 6. Implementation of the Redevelopment Agreement. Upon the execution and attestation and placing of the seal on the Redevelopment Agreement as contemplated by Sections 4 and 5 hereof, the Mayor and Township 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 Township Administrator deems necessary or desirable in relation to the execution and delivery of the Redevelopment Agreement.

Section 7. 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 8. Availability of The Resolution. A copy of this Resolution and the Redevelopment Agreement approved hereunder shall be available for public inspection at the offices of the Township.

Section 9. Effective Date. This resolution shall take effect in accordance law.

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I, NANCY L. ERLSTON, Township Clerk of the Township of Florence, Burlington County, New Jersey, do hereby certify the foregoing to be a true and exact copy of Resolution No. 2021-125 which was adopted by the Township Council at a meeting held on the 2nd day of June, 2021.

Nancy L. Erlston, RMC

**EXHIBIT A**

Form of Redevelopment Agreement