



Township Council
1 Municipal Plaza
Bloomfield, NJ 07003

Louise M. Palagano
Municipal Clerk

<http://www.bloomfieldtwpnj.com>

Meeting: 05/20/19 07:00 PM

2019 ORDINANCE AMENDMENT

19-23

ORDINANCE OF THE TOWNSHIP OF BLOOMFIELD, COUNTY OF ESSEX, STATE OF NEW JERSEY APPROVING THE TRANSFER OF A CONDOMINIUM UNIT DEED FOR COMMUNITY BENEFIT SPACE WITHIN A MIXED-USE BUILDING TO BE CONSTRUCTED ON BLOCK 225, LOT 1 (F/K/A BLOCK 225, LOTS 1 AND 9) TO LACKAWANNA STATION URBAN RENEWAL, LLC WHO IS THE DESIGNATED REDEVELOPER OF BLOCK 225, LOT 1 FOR THE PURPOSE OF CONSTRUCTING ROADWAY IMPROVEMENTS

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"), and that certain Second Amendment to Redevelopment Agreement, dated May 21, 2018 (the "Second Amendment"), and together with the Original Redevelopment Agreement, the First Amendment and the Second Amendment, the "Prior Redevelopment Agreement"); and

WHEREAS, pursuant to the terms of the Prior Redevelopment Agreement, the Township and Redeveloper agreed that redevelopment of the Project Site would consist of constructing thereon a mixed use project including: (i) a parking garage with approximately 314 parking spaces (the "Parking Garage"), (ii) approximately 176 residential units (the "Residential Component"), and (iii) approximately 2,700 square feet of space to be utilized by the Township as community space (the "Community Benefit Space") (collectively the "Redevelopment Project" or the "Project"); and

WHEREAS, in furtherance of the Project, on September 26, 2018, the Redeveloper acquired the Project Site from the Township; and

WHEREAS, in accordance with the Prior Redevelopment Agreement, upon acquisition of the Project Site, the Redeveloper dedicated the Project Site to a condominium form of ownership by recording a Master Deed, dated September 28, 2018, that in pertinent part formed

three condominium units representative of the Project's component parts, namely a Garage Unit, a Residential Unit, and a Community Unit, and common elements; and

WHEREAS, pursuant to the terms of the Prior Redevelopment Agreement, the Redeveloper transferred the Garage Unit and the Community Unit to the Township; and

WHEREAS, after the execution of the Prior Redevelopment Agreement, the Township determined that certain roadway improvements to be constructed on the Community Unit property are necessary to facilitate the efficient flow of traffic immediately adjacent to the Project Site and within the Redevelopment Area generally (the "**Roadway Improvements**"); and

WHEREAS, by resolution of the Township Council duly adopted on May 20, 2019, the Township Council approved that certain "Third Amendment to Redevelopment Agreement dated February 13, 2017 between the township of Bloomfield and Lackawanna Station Urban Renewal LLC" (the "**Third Amendment to Prior Redevelopment Agreement**"), which Third Amendment to Prior Redevelopment Agreement (i) eliminated Redeveloper's obligation to construct the Community Benefit Space and (ii) imposed upon the Redeveloper the obligation to construct the Roadway Improvements; and

WHEREAS, pursuant to the Local Redevelopment and Housing Law, the Township may convey property or improvements to any other party without public bidding and at such prices and upon such terms as it deems reasonable, provided such conveyance is made in conjunction with a redevelopment plan (N.J.S.A. 40A:12A-8.g.); and

WHEREAS, the Township is desirous of conveying the Community Unit back to the Redeveloper in order to effectuate the above-referenced Roadway Improvements in accordance with the terms of the Third Amendment to Prior Redevelopment Agreement:

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BLOOMFIELD, COUNTY OF ESSEX AND STATE OF NEW JERSEY AS FOLLOWS:

Section 1. The forgoing recitals are incorporated herein as though specifically set forth herein below.

Section 2. The Township Council finds that it is in the best interest of the Township and the Redevelopment Area that the Community Unit be conveyed back to the Redeveloper in order to facilitate the Roadway Improvements.

Section 3. The Township Council hereby authorizes the Mayor and/or his designee to execute and deliver a Community Unit Deed transferring the Community Unit to the Redeveloper in substantially the same form annexed hereto as **Exhibit A** with any modifications to be approved by the Township Attorney.

Section 4. The Mayor and/or his designee is hereby authorized to amend or execute any other agreements or documents necessary to effectuate the purpose of this Ordinance subject to consultation with and approval by the Township Attorney.

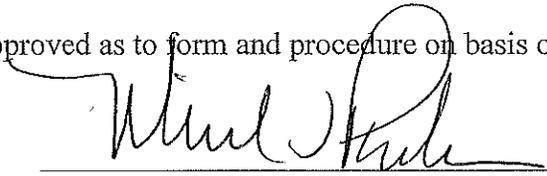
Section 5. The Township Clerk is directed to publish notice of this Ordinance in accordance with law.

Section 6. If any part(s) of this Ordinance shall be deemed invalid, such part(s) shall be severed and the invalidity thereby shall not affect the remaining parts hereof.

Section 7. This Ordinance shall take effect in accordance with law following final passage.

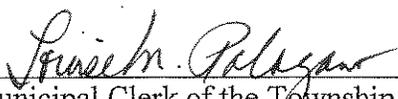
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Approved as to form and procedure on basis of facts set forth.



Director of Law-Township Attorney

I hereby certify that the above ordinance 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.**



Municipal Clerk of the Township of Bloomfield

Mery

Mayor of the Township of Bloomfield

✓ Vote Record - Ordinance					
		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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" 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					

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		Yes/Aye	No/Nay	Abstain	Absent
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<input type="checkbox"/> Deny					
<input type="checkbox"/> Withdrawn	Jenny Mundell	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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<input type="checkbox"/> Discussion					
<input type="checkbox"/> Defeated					
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