

RESOLUTION TC 20-087
TOWNSHIP COMMITTEE, TOWNSHIP OF HARDING
MORRIS COUNTY, NEW JERSEY
APRIL 13, 2020

RESOLUTION CONFIRMING DESIGNATION OF HURSTMONT ESTATE ACQUISITION AND ESCROW AGREEMENT BY AND BETWEEN THE TOWNSHIP OF HARDING AND HARDING ESTATE ACQUISITION, LLC AND EXTENDING THE INTERIM PERIOD FOR SAME

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "**Redevelopment Law**") authorizes municipalities to determine whether certain parcels of land located therein constitute an area in need of redevelopment; and

WHEREAS, on November 19, 2018, the Township Committee of Harding Township adopted Resolution No. 18-196, directing the Planning Board to undertake a preliminary investigation to determine whether the properties identified as Block 27, Lot 2, located at 679 Mt. Kemble Avenue (the "Hurstmont Parcel") and Block 34, Lot 1 (the "Glen Alpin Parcel") (collectively referred to as the "Redevelopment Study Area") qualify as a "non-condemnation" area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A: 12A-1, et seq. (the "Redevelopment Law"); and

WHEREAS, on February 19, 2019, the Planning Board conducted a duly-noticed public hearing, pursuant to N.J.S.A. 40A:12A-6, during which the Planning Board considered the preliminary investigation report of Heyer, Gruel & Associates ("HGA"), dated February 1, 2019 entitled "685 Mt. Kemble Avenue ("Glen Alpin) and 679 Mt. Kemble Avenue ("Hurstmont") Area in Need of Redevelopment Investigation Report" (the "Preliminary Investigation Report") and heard the testimony of Susan S. Gruel, P.P. and McKinley Mertz, P.P. of HGA concerning the Preliminary Investigation Report; and

WHEREAS, after the Planning Board hearing and consideration of the Preliminary Investigation Report, the Planning Board determined that the Redevelopment Study Area met the criteria for designation as an area in need of redevelopment under the Redevelopment Law and recommended that the Harding Township Committee designate the Redevelopment Study Area as an area in need of redevelopment, pursuant to the Redevelopment Law; and

WHEREAS, the Harding Township Committee accepted the recommendations of the Planning Board and on February 25, 2019, via Resolution No. TC19-073, designated the Redevelopment Study Area as a "non-condemnation" redevelopment area; and

WHEREAS, on May 13, 2019 on behalf of Harding Township, HGA prepared a redevelopment plan for the Redevelopment Study Area, dated May 13, 2019 (the "Glen Alpin/Hurstmont Redevelopment Plan") and referred such plan to the Planning Board for review and comment, pursuant to NJSA 40A:12A-7; and

WHEREAS, the Planning Board considered the Glen Alpin/Hurstmont Redevelopment Plan at its meeting of May 20, 2019 and submitted a report of its review of the Glen/Alpin Hurstmont Redevelopment Plan dated June 3, 2019 to the Harding Township Committee; and

WHEREAS, on June 24, 2019, the Harding Township Committee adopted the Glen Alpin/Hurstmont Redevelopment Plan by Ordinance No. 13-2019; and

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WHEREAS, on June 24, 2019, the Harding Township Committee designated Hurstmont Estate Acquisition, LLC as the "Redeveloper" of the Redevelopment Study Area pursuant to Township Resolution No. TC 19-136; and

WHEREAS, on September 12, 2019 on behalf of Harding Township, HGA prepared an amendment to the Glen Alpin/Hurstmont Redevelopment Plan; and

WHEREAS, on September 30, 2019 the Harding Township Committee adopted the amendment of the Glen Alpin/Hurstmont Redevelopment Plan by Ordinance No. 16-2019; and

WHEREAS, by Resolution No. TC 19-194 adopted on September 30, 2019, the Harding Township Committee confirmed the designation of Hurstmont Estate Acquisition, LLC's as the Redeveloper solely as to the Senior Living District located within the Redevelopment Study Area; and

WHEREAS, the designation of Hurstmont Estate Acquisition, LLC as Redeveloper as to the Senior Living District then expired on October 31, 2019; and

WHEREAS, the Township Committee and Hurstmont Estate Acquisition, LLC desired to continue to negotiate in good faith for purposes of finalizing and executing a redevelopment agreement; and

WHEREAS, the Township Committee further desired to designate Hurstmont Estate Acquisition, LLC as the conditional redeveloper (the "Conditional Redeveloper") of the Senior Living District located within the Redevelopment Study Area, subject to the negotiation and execution of a redevelopment agreement; and

WHEREAS, the Township Committee further desired to authorize the execution of a conditional redeveloper designation and escrow agreement ("Conditional Redeveloper Designation and Escrow Agreement") with the Conditional Redeveloper for the purpose of establishing the framework for the negotiation and execution of a redevelopment agreement; and

WHEREAS, on January 24, 2020, the Township Committee adopted Resolution TC 20-067 conditionally designating Hurstmont Estate Acquisition, LLC as Conditional Redeveloper of the Senior Living District located within the Redevelopment Study Area pending the negotiation, approval by vote of the Township Committee and execution of a redevelopment agreement with the Township of Harding, subject to the execution of a Conditional Redeveloper Designation and Escrow Agreement by the parties; and

WHEREAS, the Conditional Redeveloper and Township executed the Conditional Redeveloper Designation and Escrow Agreement on January 28, 2020 and January 31, 2020 respectively; and

WHEREAS, pursuant to the terms of Conditional Redeveloper Designation and Escrow Agreement and Resolution TC20-067, the designation was made for a limited period until March 31, 2020, unless further extended in the sole discretion of the Township Committee of Harding Township; and

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WHEREAS, the parties require additional time to continue negotiations and execution of a redevelopment agreement; and

WHEREAS, the Township Committee desires to confirm the conditional designation of Hurstmont Estate Acquisition as Conditional Redeveloper and extend the term of the Conditional Redeveloper Designation and Escrow Agreement to provide additional time for the continued negotiation of a redevelopment agreement.

BE IT RESOLVED, by the Township Committee of the Township of Harding, County of Morris and the State of New Jersey, as follows:

1. The foregoing recitals are hereby incorporated by reference as if fully repeated herein.
2. The conditional designation of Hurstmont Estate Acquisition, LLC as Conditional Redeveloper of the Senior Living District located within the Redevelopment Study Area pending the negotiation is hereby confirmed, pending the negotiation, approval by vote of the Township Committee and execution of a redevelopment agreement with the Township of Harding.
3. Pursuant to Paragraph 2 of the Conditional Redeveloper Designation and Escrow Agreement executed by the parties, the Interim Period as defined therein is hereby extended for a limited period from March 31, 2020 until May 15, 2020, unless further extended by the Township Committee, or the Conditional Redeveloper Designation and Escrow Agreement is terminated by either party at the conclusion of this extension of the Interim Period.
4. All other terms and conditions of the Conditional Redeveloper Designation and Escrow Agreement executed by the parties not modified by this Resolution shall remain in full force and effect.

DATED: April 13, 2020

I, Lisa A. Sharp, Municipal Clerk of the Township of Harding, County of Morris, State of New Jersey, do hereby certify the foregoing resolution to be a true and correct copy of a resolution adopted by the Township Committee at the meeting held on April 13, 2020.

Lisa A. Sharp, Municipal Clerk

Vote on Resolution:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. DiTosto	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jones	1 st	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Modi	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Platt	2 nd	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Yates	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>