

RESOLUTION NO. 149-2018

BOROUGH OF ROSELAND
COUNTY OF ESSEX, STATE OF NEW JERSEY

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF ROSELAND, COUNTY OF UNION, NEW JERSEY DESIGNATING A REDEVELOPER AND AUTHORIZING THE EXECUTION OF A REDEVELOPMENT AGREEMENT WITH 85 LIVINGSTON URBAN RENEWAL, L.L.C., PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 et seq.

WHEREAS, pursuant to *N.J.S.A.* 40A:12A-4, the Borough of Roseland (the “**Borough**”) has determined to act as the “**Redevelopment Entity**” (as such term is defined at *N.J.S.A.* 40A:12A-3) for the Redevelopment Area to exercise the powers contained in the Redevelopment Law; and

WHEREAS, the municipal council of the Borough (“**Borough Council**”) directed the Borough planning board (“**Planning Board**”) to investigate whether that certain area of the Township commonly known as Block 30.1, Lot 14 on the tax maps of the Borough, constitutes as an “area in need of redevelopment” as defined in the Redevelopment Law (“**Study Area**”); and

WHEREAS, on January 23, 2017, the Planning Board conducted an investigation and prepared a study and map of the boundaries of the Township and made a recommendation to the Municipal Council to designate the Study Area as an area in need of redevelopment; and

WHEREAS, based upon the recommendation of the Planning Board, the Municipal Council on February 28, 2017 adopted a resolution to designate the Study Area as an “area in need of redevelopment” in accordance with the Redevelopment Law (the “**Redevelopment Area**”); and

WHEREAS, in accordance with the Redevelopment Law, a redevelopment plan prepared by the Borough’s Planner entitled “Redevelopment Plan for Block 30.1, Lot 14 also known as 85 Livingston Avenue, Borough of Roseland, Essex County, New Jersey” (the “**Redevelopment Plan**”) for the Redevelopment Area was referred to the Planning Board for its review and recommendation by the Municipal Council; and

WHEREAS, in accordance with the Redevelopment Law, the Planning Board of the Borough reviewed the Redevelopment Plan and recommended its adoption; and

WHEREAS, after reviewing the Planning Board’s recommendation, the Borough Council adopted the Redevelopment Plan by Ordinance #12-2017 on August 15, 2017; and

WHEREAS, Roseland Residential Trust has created 85 Livingston Urban Renewal, L.L.C. (the “**Redeveloper**”) for the sole purpose of improving the Redevelopment Area and desires to be designated as the “redeveloper” (as such term is defined in the Redevelopment Law) to implement and complete the redevelopment of the Redevelopment Area to consist of: (i) Residential Phase: construction of a four (4)-story residential apartment building with up to 140 units, of which 28 units would be affordable to low and moderate income households, together with surface and structured parking for the residential uses providing approximately 274 parking spaces; (ii) Hotel Phase: a four (4)-story building to include a between 100 and 150 key well-established national hotel brand, owned and/or operated in a first class manner with approximately 120 surface parking spaces to be shared with other non-residential use(s) of the Project; and (iii) Restaurant Phase: a separate building to include a maximum 8,500 square foot full-service restaurant and bar with outdoor patio dining with alcoholic beverage service; (the “**Project**”); and

WHEREAS, the Borough has determined that the Redeveloper meets all necessary criteria, including financial capabilities, experience, and expertise to implement and complete the rehabilitation of the Project in accordance with the Redevelopment Plan and all other applicable laws, ordinances and regulations; and

WHEREAS, the Borough and Redeveloper have negotiated the terms and conditions of a redevelopment agreement governing the Project (the “**Redevelopment Agreement**”); and

WHEREAS, the Borough has determined the Project to be in the vital and best interests of the Borough, and that it promotes the health, safety, and welfare of the Borough’s residents; and

WHEREAS, the Borough desires to designate the Redeveloper as the redeveloper of the Project and to authorize the execution of the Redevelopment Agreement.

NOW THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Roseland, County of Essex, New Jersey that:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. The Borough Council hereby authorizes the execution of a redevelopment agreement with the Redeveloper in substantially the form attached hereto as Exhibit A and by this reference incorporated herein.
3. The Mayor is authorized to execute the Redevelopment Agreement with the Redeveloper in substantially the same form as the Redevelopment Agreement attached hereto,

with such additions, deletions and modifications as the Mayor may determine necessary upon consultation with counsel and the Redeveloper.

4. 85 Livingston Urban Renewal, L.L.C., is hereby designated as the redeveloper of the Project, subject to the execution of the Redevelopment Agreement.


5. 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.

6. A copy of this Resolution shall be filed and available for public inspection at the in the offices of the Borough.

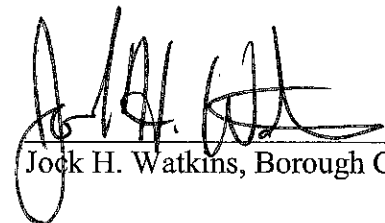
7. This Resolution shall take effect immediately.

COUNCIL	MOTION	SECOND	AYE	NAY	ABSTAIN	RECUSE	ABSENT
Councilman Bardi		X	X				
Councilman Jacobs	X		X				
Councilman Leonard				X			
Councilman Smith			X				
Council President Tolli			X				
Councilman Tsilonis			X				
Mayor Duthie (In case of tie)							
VOTE:			5	1			

I do hereby certify that the forgoing is a true and exact copy of a Resolution adopted by the Mayor and Borough Council of the Borough of Roseland on April 17, 2018.



John Duthie, Mayor



Jock H. Watkins, Borough Clerk

EXHIBIT A

REDEVELOPMENT AGREEMENT