

SOUTH ORANGE VILLAGE
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RESOLUTION #2021-195

June 28, 2021

RESOLUTION OF THE TOWNSHIP OF SOUTH ORANGE VILLAGE DESIGNATING STORAGE PLATFORM, LLC AS THE REDEVELOPER OF CERTAIN PROPERTY WITHIN VILLAGE IDENTIFIED AS BLOCK 2303, LOT 1, 2, 3, 13, AND 14 ON THE VILLAGE'S OFFICIAL TAX MAPS AND AUTHORIZING THE VILLAGE PRESIDENT TO EXECUTE A REDEVELOPMENT AGREEMENT WITH RESPECT THERETO

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.*, as amended and supplemented from time to time (the "**Redevelopment Law**"), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment and/or rehabilitation; and

WHEREAS, the Township of South Orange Village (the "**Village**"), in the County of Essex, State of New Jersey (the "**State**"), is authorized pursuant to the Redevelopment Law to arrange or contract for the planning, construction or undertaking of any development project or redevelopment work in an area designated as an "area in need of redevelopment" pursuant to N.J.S.A. 40A:12A-8; and

WHEREAS, on September 13, 2018, the Board of Trustees (the "**Trustees**") of the Village, adopted Resolution 2018-259 directing the Village Planning Board (the "**Planning Board**") to undertake an investigation to determine whether all or a portion of certain property identified on the tax maps of the Village as Block 2303, Lots 1, 2, 3, 13 and 14 (the "**Property**") constitutes a non-condemnation area in need of redevelopment pursuant to the Redevelopment Law (the "**Study Area**"); and

WHEREAS, the Planning Board caused Topology (the "**Planning Consultant**") to conduct an investigation to determine whether the Study Area should be designated an area in need of redevelopment; and

WHEREAS, the Planning Board received a report setting forth the basis for the investigation and a map depicting the Study Area prepared by the Planning Consultant dated June 27, 2018, entitled, "Preliminary Investigation, 311, 313 & 315-317 Valley Street and 1&15 Lackawanna Place at South Orange, NJ, Block 2303, Lots 1, 2, 3, 13 & 14" (the "**Report**"); and



WHEREAS, the Redevelopment Law requires the Planning Board to conduct a public hearing prior to making its recommendation to the Trustees as to whether the Study Area should be designated as a condemnation area in need of redevelopment, at which hearing the Planning Board shall hear all persons who are interested in or would be affected by a determination that the Study Area is an area in need of redevelopment; and

WHEREAS, the Planning Board held a duly noticed public meeting at which the Planning Board reviewed the Report, heard testimony from representatives of the Planning Consultant, conducted a public hearing during which all persons who were interested in or would be affected by a determination regarding the Study Area the opportunity to be heard; and

WHEREAS, the Planning Consultant concluded in the Report and testified to the Planning Board on December 2, 2019, December 16, 2019, January 6, 2020 and February 3, 2020 that the Study Area satisfies the criterion for a non-condemnation area in need of redevelopment designation as set forth in the Redevelopment Law pursuant to N.J.S.A. 40A:12A-5; and

WHEREAS, after the conclusion of the public hearings described above, the Planning Board adopted a resolution accepting and adopting the recommendation contained in the Report, and recommending that the Study Area be declared a non-condemnation area in need of redevelopment, in accordance with the Redevelopment Law, for the reasons set forth in the Report; and

WHEREAS, on March 2, 2020, the Planning Board adopted a resolution memorializing its recommendation that the Study Area be designated as a non-condemnation area in need of redevelopment pursuant to the Redevelopment Law; and

WHEREAS, the Trustees agreed with the conclusion of the Planning Board that the Study Area satisfies the criterion for a non-condemnation area in need of redevelopment designation set forth in the Redevelopment Law and finds that such conclusion is supported by substantial evidence; and

WHEREAS, by virtue of Resolution No. 2020-077, adopted on March 9, 2020, the Trustees designated the Study Area as a non-condemnation redevelopment area as set forth in the Redevelopment Law (the "**Redevelopment Area**"); and

WHEREAS, pursuant to Ordinance 2021-11, introduced on March 31, 2021, and duly adopted on April 26, 2021, the Trustees adopted a redevelopment plan for the



Redevelopment Area titled the "Lackawanna/Valley Redevelopment Plan" (the "**Redevelopment Plan**"); and

WHEREAS, on April 5, 2021 the Planning Board reviewed the Redevelopment Plan and recommended its approval via resolution #2021-11; and

WHEREAS, Storage Platform LLC (the "**Redeveloper**") is the contract purchaser of the Property within the Redevelopment Area; and

WHEREAS, the Redeveloper proposes to develop, finance and construct on the Property a project consisting of the demolition of the existing structures on the Property, remediation, and construction of a self-storage facility that rises three (3) stories on Valley Street and four (4) stories in the rear, with related on-site and off-site improvements, the Project Improvements, the Public Improvements (inclusive of the Founder's Park Improvements) and other permitted uses pursuant to the Redevelopment Plan (the "**Project**"), all as further set forth in the form of redevelopment agreement, attached hereto (the "**Redevelopment Agreement**"); and

WHEREAS, the Redeveloper submitted information outlining its financial capabilities, experience, expertise and project concept descriptions for the Project and requested designation by the Village as the redeveloper for the Property; and

WHEREAS, the Village has determined that the redevelopment of the Property in accordance with applicable provisions of the Redevelopment Plan will contribute to the redevelopment and reinvigoration of the Village and to the social and economic improvement of the Village in accordance with the legislative intent, goals and objectives of the Redevelopment Law; and

WHEREAS, the Village has determined that Redeveloper possesses the proper qualifications, expertise, financial resources, and capacity to implement and complete the Project in accordance with the Redevelopment Plan and all other applicable laws, ordinances and regulations and on April 26, 2021, via Resolution 2021-100, the Trustees authorized the Village to enter into a conditional redevelopment agreement with the Redeveloper; and

WHEREAS, the Village's professionals have since engaged in discussions and negotiations with the Redeveloper to finalize the Redevelopment Agreement; and

WHEREAS, in order to implement the development, financing, construction, operation and management of the Project, the governing body of the Village has



determined to designate Redeveloper as the "redeveloper" (as defined in the Redevelopment Law) of the Property and to enter into the Redevelopment Agreement; and

WHEREAS, the Village further desires to authorize the execution of the Redevelopment Agreement with the Redeveloper for the Property, which will set forth the rights and obligations of the respective parties, as well as the anticipated time frame for the completion of certain tasks; and

WHEREAS, the Village further desires to authorize the Village President to negotiate and execute any other documents or agreements that are incident to the Redevelopment Agreement and the Project; and

WHEREAS, the Redeveloper and Village anticipate assignment and assumption of the Redevelopment Agreement in entirety to the Redeveloper's urban renewal entity ("**URE**") for the Project, which URE formation process is currently under way.

NOW THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE TOWNSHIP OF SOUTH ORANGE VILLAGE, COUNTY OF ESSEX, STATE OF NEW JERSEY AS FOLLOWS:

Section 1. The aforementioned recitals are incorporated herein as if fully set forth herein.

Section 2. Storage Platform, LLC is hereby designated as the "redeveloper" of the Property pursuant to Section 8 of the Redevelopment Law, subject to the execution of the Redevelopment Agreement with the Village.

Section 3. The Village President is hereby authorized and directed to negotiate, finalize and execute the Redevelopment Agreement in substantially the form attached hereto as **Exhibit A**, with such amendments, modifications and revisions as deemed necessary by the Village President in consultation with Village staff and professionals.

Section 4. The Village President and Village Clerk are hereby authorized to negotiate and execute any other documents or agreements, with the Redeveloper for the Project, required in furtherance of this Resolution and the execution of the Redevelopment Agreement, in the discretion of the Village President in consultation with Village staff and professionals; and all prior actions of the Village President and Village staff and professionals in connection with the Redevelopment Agreement are hereby ratified.

Section 5. This resolution shall take effect immediately.



Section 6. A copy of this resolution shall be available for public inspection at the office of the Municipal Clerk and on the Municipal website.

Trustee Member	Motion	Second	Ayes	Nays	Abstain	Absent
Brown						
Coallier		X	X			
Haskins			X			
Hartshorn Hilton			X			
Jones			X			
Zuckerman	X		X			

CERTIFICATION

I, Ojetti E. Davis, Acting Village Clerk of the Township of South Orange Village, County of Essex, State of New Jersey, do hereby certify that this is a true and correct copy of the Resolution adopted by the Board of Trustees at their regular meeting held on Monday, June 28, 2021.

A handwritten signature in blue ink, appearing to read "Ojetti E. Davis", is written over a horizontal line.

Ojetti E. Davis
Acting Village Clerk