

**TOWN OF MORRISTOWN**

**NOTICE OF AN EXECUTIVE SESSION AND A REGULAR MEETING**

**Morristown Town Council Redevelopment Entity**

**Will be held on:**

**Thursday, February 11, 2016 at 7:00 p.m., with the  
Executive Session to begin at 6:30 p.m.**

**Council Chambers  
200 South Street  
Morristown, New Jersey**

Agenda

- A. Statement of Compliance with Open Public Meetings Act
- B. Roll-Call
- C. Executive Session
  - 1. Resolution to Enter Into Executive Session to discuss matters of current and/or pending litigation and contract negotiations other than those of collective bargaining pursuant to N.J.S.A. 10:4-12b(7).
  - 2. Matters concerning the application and approval of a Long Term Tax Exemption of Morristown Development Urban Renewal Phase II, LLC. (Redevelopment Counsel shall entertain questions of Council Members initiated at the February 9, 2016 Town Council Meeting).
- D. Resumption of Regular Meeting
- E. Moment of Silence
- F. Pledge of Allegiance
- G. Consent Agenda
- H. Public Hearing
- I. Regular Business
  - 1. Ordinances for Introduction – None.
  - 2. Ordinance for Adoption – None.

### 3. Resolutions for Adoption

**Resolution No.: R-48-2016**

“Resolution Authorizing the Execution of an Amended and Restated Redevelopment Agreement between the Town of Morristown and Morristown Development Phase II, LLC.”

Purpose: Self-Explanatory.

J. Adjournment

Kevin D. Harris  
Town Clerk

Posted: February 9, 2016

TOWN OF MORRISTOWN

RESOLUTION NO. R- 48 -2016

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDED AND RESTATED REDEVELOPMENT AGREEMENT BETWEEN THE TOWN OF MORRISTOWN AND MORRISTOWN DEVELOPMENT PHASE II, LLC

WHEREAS, on February 10, 2004, pursuant to Resolution No. 31-04, the Morristown Town Council (the "Town Council") designated the following parcels as "an area in need of redevelopment" (the "Redevelopment Area") in accordance with the New Jersey Local Redevelopment and Housing Law N.J.S.A. 40A:12A-1 et. seq., as amended and supplemented (the "Redevelopment Law"): Tax Block 5803 Lots 1, 2, 3, 4, 5, 6, 7.01, 7.02, 7.03, 7.04, 7.05, 7.06, 7.07, 7.08, 7.09, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 44.01, 44.02 and 44.03; Tax Block 5702 Lots 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 and 29 and Tax Block 5001 Lots 4, 5, 6, 7, 7.01, 8, 9, 10, 11 and 12, all as shown on the official Tax Maps of the Town of Morristown; and

WHEREAS, on September 18, 2007, pursuant to Ordinance O-30-07, the Town Council adopted a redevelopment plan for the Redevelopment Area, which was amended by adoption of Ordinance O-38-07 by the Town Council on November 29, 2007 (the "Original Redevelopment Plan"); and

WHEREAS, the Original Redevelopment Plan was further amended and restated by (i) adoption of Ordinance O-19-11 by the Town Council on October 13, 2011, (ii) adoption of Ordinance O-41-12 on November 29, 2012 (concerning Phase Four of the Original Redevelopment Plan); and (iii) adoption of Ordinance O-14-15 on June 11, 2015 (which last amendment was adopted in order to, among other things provide for certain amendments and modifications to Phase Two and Phase Three of the Redevelopment Plan) (together with any subsequent amendments thereto, the "Redevelopment Plan"); and

WHEREAS, on January 22, 2009, the Town and Morristown Development, LLC ("Original Redeveloper") entered into a redevelopment agreement, which was approved by the Town Council on December 4, 2008 pursuant to Resolution R-177-08 (the "Original Redevelopment Agreement"); and

WHEREAS, the Original Redevelopment Agreement was amended and restated pursuant to that certain Amended and Restated Redevelopment Agreement between the Town and Original Redeveloper, dated January 12, 2012, which was approved by the Town Council on January 12, 2012 pursuant to Resolution R-27-2012 (the "First Amended Redevelopment Agreement"); and

WHEREAS, Pursuant to that certain Partial Assignment and Assumption of Redevelopment Agreement, dated December 24, 2012, by and between Original Redeveloper and Morristown Development Phase II, LLC (the "Phase Two Redeveloper"), and in accordance with Section 8.03(d) of the First Amended Redevelopment Agreement, Original Redeveloper assigned to the Phase Two Redeveloper all of Original Redeveloper's right, title, interest and obligations as the Redeveloper with respect to Phase Two and Phase Three and the Phase Two Premises (consisting of on the portion of the Speedwell Avenue Redevelopment Area identified as Block 5803, Lots 1 (portion), 35, 36, 37.01, 37.03, 38, 39, 42 (portion), 43 (portion), 44.01, 44.02, and 44.03 on the Official Tax Map of the Town of Morristown (the "Phase Two Premises") and the Phase Three Premises under the First Amended Redevelopment Agreement, and the Phase Two Redeveloper assumed all of Original Redeveloper's right, title, interest and obligations as the Redeveloper with respect to Phase Two and Phase Three and the Phase Two Premises and the Phase Three Premises under the First Amended Redevelopment Agreement, with Original Redeveloper thereby reserving all of Original Redeveloper's right, title, interest and obligations as the Redeveloper with respect to Phase One and the Phase One Premises under the First Amended Redevelopment Agreement; and

**WHEREAS**, on September 24, 2015, the Planning Board of the Town of Morristown adopted a resolution granting preliminary and final site plan approval, subdivision approval and deviations, with conditions permitting, inter alia, the construction one hundred eighty five (185) residential units, of which fifteen percent (15%) will be affordable to low- and moderate-income households, and related site improvements (the “Project”) to be located within Phase Two Premises of the Redevelopment Area; and

**WHEREAS**, the Phase Two Redeveloper has requested that the Town Council, as a redevelopment entity, amend the First Amended Redevelopment Agreement with respect to Phase Two and Phase Three pursuant to that certain Amended and Restated Redevelopment Agreement between the Town and the Phase Two Redeveloper (together with any subsequent amendments thereto, the “Phase Two Amended Redevelopment Agreement”), setting forth the terms and conditions by which the Phase Two Redeveloper will redevelop the Project within Phase Two, including but not limited, to the sale of Block 5803, Lot 37.01 from the Town to the Phase Two Redeveloper; and

**WHEREAS**, the Mayor and Town Council of the Town of Morristown desire to enter into a Phase Two Amended Redevelopment Agreement with the Redeveloper, and upon the full execution of such Phase Two Amended Redevelopment Agreement by the Town of Morristown and the Phase Two Redeveloper, recognize Morristown Development Phase II, LLC as redeveloper of the Property as provided for and in accordance with the provisions of the New Jersey Local Redevelopment and Housing Law.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Town Council of the Town of Morristown in the County of Morris, New Jersey, hereby authorize the execution of a Phase Two Amended Redevelopment Agreement by and between the Town of Morristown, as a redevelopment entity, and Morristown Development Phase II, LLC, concerning the Phase Two Premises located on the portion of the Speedwell Avenue Redevelopment Area identified as Block 5803, Lots 1 (portion), 35, 36, 37.01, 37.03, 38, 39, 42 (portion), 43 (portion), 44.01, 44.02, and 44.03 on the Official Tax Map of the Town of Morristown in such a form deemed advisable by the Town Attorney or Special Redevelopment Counsel, subject to any and all conditions contained herein and such revisions as deemed advisable by the Town Attorney or Special Redevelopment Counsel; and

**BE IT FURTHER RESOLVED**, that the Mayor and Town Council, upon the full execution of a Phase Two Amended Redevelopment Agreement by the Town of Morristown and Morristown Development Phase II, LLC, the Town will recognize Morristown Development Phase II, LLC as Redeveloper of the Phase Two Premises located on the portion of the Speedwell Avenue Redevelopment Area identified as Block 5803, Lots 1 (portion), 35, 36, 37.01, 37.03, 38, 39, 42 (portion), 43 (portion), 44.01, 44.02, and 44.03 on the Official Tax Map of the Town of Morristown as provided for and in accordance with the provisions of the New Jersey Local Redevelopment and Housing Law; and

**BE IT FURTHER RESOLVED**, that said recognition of Morristown Development Phase II, LLC as Redeveloper of the Phase Two Premises located on the portion of the Speedwell Avenue Redevelopment Area identified as Block 5803, Lots 1 (portion), 35, 36, 37.01, 37.03, 38, 39, 42 (portion), 43 (portion), 44.01, 44.02, and 44.03 on the Official Tax Map of the Town of Morristown is subject to and contingent upon Morristown Development Phase II, LLC satisfying any and all terms and conditions contained within the Phase Two Amended Redevelopment Agreement and required as part of any approval of the Planning Board Approval; and

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to execute the Phase Two Amended Redevelopment Agreement, with such revisions as deemed advisable by the Town Attorney or Special Redevelopment Counsel, on behalf of the Town of Morristown, acting as the redevelopment entity for the redevelopment of the Phase Two Premises by Morristown Development Phase II, LLC; and

**BE IT FURTHER RESOLVED** that the Mayor and the Town Business Administrator, in consultation with the Town's consultants and internal department heads, are each hereby authorized and directed to perform the obligations and exercise the rights of the Town under the Phase Two Amended Redevelopment Agreement so executed in a manner consistent therewith and with the Redevelopment Law.

ATTEST:

ADOPTED:

\_\_\_\_\_  
KEVIN D. HARRIS,  
TOWN CLERK

\_\_\_\_\_  
STEFAN ARMINGTON  
COUNCIL PRESIDENT

I do hereby certify the above to be a true and exact copy of a Resolution duly passed and adopted by the Town Council of the Town of Morristown at the Regular meeting of the Town Council held on February 9, 2016 in the Morristown Council Room, 200 South Street, Morristown, New Jersey, beginning at \_\_\_\_\_ P.M., prevailing time.

DATED: February 9, 2016

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Kevin D. Harris, Town Clerk