

RESOLUTION NO. 7 – 2015
OF THE
REDEVELOPMENT AGENCY OF FRANKLIN TOWNSHIP
APPROVAL OF RPM APPRAISAL AND AUTHORIZATION TO ACQUIRE BUIST
PROPERTY (KNOWN AS 41 BERRY STREET; 28-36 VOORHEES AVENUE,
FRANKLIN TOWNSHIP, NEW JERSEY)

WHEREAS, the Township of Franklin (“**Township**”), pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40:12A-1 to -49 (“**LHRL**”), established an area in need of redevelopment designated as the Renaissance 2000 Plan Area (“**Redevelopment Area**”), adopted a redevelopment plan for the area entitled the Renaissance 2000 Redevelopment Plan (“**Redevelopment Plan**”), and designated the Redevelopment Agency of Franklin Township (the “**Agency**”) to implement the Redevelopment Plan; and

WHEREAS, the Agency entered into a certain Redevelopment Agreement, dated January 2007, as amended by a certain First Amendment to Redevelopment Agreement, dated October 21, 2010, and as further amended by a certain Second Amendment to Redevelopment Agreement, dated April 2012 (the “**Redevelopment Agreement**”) with RPM Development, L.L.C. (“**Redeveloper**”) for the construction of a mixed use development within the Redevelopment Area (“**Project**”); and

WHEREAS, as set forth in the Redevelopment Agreement and pursuant to N.J.S.A. 40A:12-8, N.J.S.A. 40A:12A-22, and N.J.S.A. 20:3-6, the Agency is authorized to acquire private property for redevelopment by condemnation, subject to the Agency being unable to acquire such title or possession through bona fide negotiations, which negotiations include an offer in writing setting forth the property and interest therein to be acquired, the compensation offered, a reasonable disclosure of the manner in which the amount of such offered compensation has been calculated, an appraisal of the property conducted and the opportunity for the owner to accompany the appraiser during its inspection; and

WHEREAS, pursuant to N.J.S.A. 40:12A-8(f), the Agency is authorized to “arrange or contract with public agencies or redevelopers for the planning, replanning, construction, or undertaking of any project or redevelopment work, or any part thereof; negotiate and collect revenue from a redeveloper to defray the costs of the redevelopment entity, including where applicable the costs incurred in conjunction with bonds, notes or other obligations issued by the redevelopment entity”; and

WHEREAS, Section 2.8 of the Redevelopment Agreement provides, among other things, that, the Redeveloper shall be fully responsible for the Acquisition Costs, which Acquisition Costs include the full purchase price of each of the Acquisition Parcels, whether acquired by condemnation or private negotiation; and

WHEREAS, pursuant to the Redevelopment Agreement, the Redeveloper is required to diligently attempt in good faith, and employ all reasonable efforts to acquire fee simple absolute title to the properties required for the Project, and it also provides that if Redeveloper is unable to acquire title to any of the properties required for the Project through private negotiation, it shall

so notify the Agency in writing, and the Agency shall undertake all necessary steps as specifically set forth in the Redevelopment Agreement to acquire such properties, which Agency actions include negotiations and, if necessary, condemnation proceedings; and

WHEREAS, the Redeveloper has previously provided written notification to the Agency stating that it has attempted to negotiate the purchase of property located at Block 112, Lots 1-8, 9.01, 16.01, 25.01, 42-49, located at 41 Berry Street and 28-36 Voorhees Avenue in Somerset, New Jersey (“**Subject Property**”), that such efforts have not been successful, and that the parties are at an impasse with respect to private acquisition; and

WHEREAS, the Agency has determined to accept the Redeveloper’s written notification and to proceed to acquire the Subject Property through negotiation, and if necessary condemnation, as set forth in the Redevelopment Agreement and pursuant to the authority and consistent with the requirements set forth in the above referenced statutes and Redevelopment Agreement; and

WHEREAS, in connection with the Redeveloper’s request, the Agency retained the services of Albert F. Chanese, MAI, SCGERA # 106, to render an appraisal with respect to the Subject Property; and

WHEREAS, a copy of the appraisal is attached hereto and incorporated herein, which sets forth the fair market value of such Subject Property and the reasonable disclosure of the manner in which the fair market value was determined; and

WHEREAS, a copy of the appraisal is on file at the Agency office and has been made available for review by the Executive Director of the Agency; and

WHEREAS, the fair market value of the Subject Property, as set forth in the appraisal, is based upon the assumption that the Subject Property is as if remediated and therefore does not reflect any environmental contamination which may be present on the Subject Property.

NOW, THEREFORE, BE IT RESOLVED by the Redevelopment Agency of Franklin Township that:

1. The recitations set forth above are incorporated herein.

2. The Agency hereby accepts and approves the appraisal of the Subject Property prepared by Albert F. Chanese, MAI, SCGERA # 106, dated June 8, 2015, which appraisal may be summarized as follows:

<u>Block</u>	<u>Lot(s)</u>	<u>Property Address</u>	<u>Owner</u>	<u>Fair Market Value</u>
112	1-8, 42-49, 9.01, 16.01, 25.01	41 Berry Street; 28-36 Voorhees Avenue, Somerset, New Jersey	Voorhees Property, LLC	\$1,174,000

3. After the effective date of this Resolution, Redeveloper shall deposit not less than one hundred percent (100%) of the appraised value with the Agency.

4. Upon receipt of funds from the Redeveloper, the Executive Director of the Agency is hereby authorized to enter into and execute documents with the Redeveloper that governs receipt and expenditure of the above referenced deposited funds to effectuate the purpose of this Resolution.

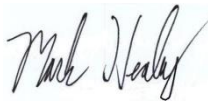
5. Upon the deposit of the above reference funds, General Counsel for the Agency is hereby authorized to negotiate and acquire the Subject Property by negotiation and / or eminent domain, as appropriate from the respective owners of record.

6. General Counsel for the Agency is hereby authorized to execute any and all agreements and other legal documents necessary to accomplish the acquisition of the Subject Property, including but not limited to a written offer for the purchase of the aforementioned Subject Property, land sale contracts and deeds for the sale of the Subject Property and Verified Complaints, Declarations of Taking, and any other necessary documents for eminent domain proceedings for the Subject Property in accordance with the Eminent Domain Act of 1971, N.J.S.A. 20:3-1 et seq.

7. The fair market value to be paid by the Agency for any of the above Subject Property was determined as if the Subject Property were remediated and therefore does not reflect any environmental contamination which may be present on the Subject Property.

8. This resolution shall take effect immediately.

**REDEVELOPMENT AGENCY
OF FRANKLIN TOWNSHIP**

By: 

Mark Healey, Executive Director

DATED: August 17, 2015

	<u>YES</u>	<u>NO</u>	<u>ABSENT</u>
Ike Agudosi	X		
Kimberly Francois, Councilwoman			X
Michael F. Gianotto, Chairman	X		
Robert Mettler	X		
Dennis Sanders	X		
Wayne Sellers			X
Carl Wright, Councilman			X