

**TOWNSHIP OF EDGEWATER PARK
ORDINANCE NO. 2009-6**

**AN ORDINANCE OF THE TOWNSHIP OF EDGEWATER PARK, IN THE
COUNTY OF BURLINGTON, NEW JERSEY, AUTHORIZING THE
TOWNSHIP TO SELL CERTAIN REAL PROPERTY IN THE TOWNSHIP;
AUTHORIZING THE PREPARATION AND EXECUTION OF A
DEVELOPMENT AGREEMENT BETWEEN THE TOWNSHIP AND THE
MILLELR GROUP; FURTHER AUTHORIZING THE PREPARATION OF
AN AMENDED REDEVELOPMENT PLAN FOR BLOCK 1202, LOT 4.01
AND OTHER ADJACENT PROPERTIES**

WHEREAS, the Township of Edgewater Park (the “Township”) and the Miller Group have reached an Agreement under which the Miller Group will acquire all that certain real property known and designated on the official tax map of the Township as Block 1202, Lot 4.01 (the “Property”);

WHEREAS, the subject property is in a Redevelopment Area and under the laws applicable to such areas the sale of property can be authorized by Resolution, and

WHEREAS, the Township Committee has determined that it is preferable, although not required, to authorize the sale through this Ordinance,

WHEREAS, by Resolution No. 31-98 dated May 14, 1998, the Township previously designated the Property as an “area in need of redevelopment”;

WHEREAS, in connection with the Township’s prior designation of the Property and other adjacent properties identified as Block 1202, Lot 4.01, Block 1202 Lot 9 and Block 1202 Lot 1.10 as a redevelopment property, the Township believes that it is appropriate at this time to authorize the amendment of the Redevelopment Plan and to specifically authorize the Agreement by this Ordinance, including the potential use of the power of Eminent Domain to acquire parcels needed for the completion of the Redevelopment Plan;

WHEREAS, the Miller Group intends to develop the Property and other adjacent properties into approximately an age-restricted residential community, and to develop a portion of the property for office use, including all associated roads, storm water drainage, active and passive recreation facilities, and open space (the “Project”); and

WHEREAS, in connection with the implementation of a Plan and Miller Group’s intent to develop the Property and other adjacent properties following their acquisition of the same, it will be necessary for the Township to prepare and have executed a development agreement by and between the Township and Miller Group, which agreement will serve to memorialize the specific terms and conditions of Great American’s development of the Property.

**NOW, THEREFORE, BE IT ORDAINED AND ESTABLISHED BY THE
COMMITTEE OF THE TOWNSHIP OF EDGEWATER PARK, IN THE COUNTY OF
BURLINGTON, NEW JERSEY THAT:**

1. **Affirmation of the Sale of the Property.**
 - (a) The Township of Edgewater Park hereby reaffirms and establishes its commitment to sell certain real property known and designated on the official tax map of the

Township of Edgewater Park as Block 1202, Lot 4.01 to Miller Group or their successors and assigns subject to the specific terms and conditions of its written agreement of sale substantially in the form attached hereto and incorporated herein.

(b) The Township's Clerk/Administrator, Solicitor and Special Counsel are hereby further designated and authorized on behalf of the Township to prepare and execute any and all documents by and on behalf of the Township to properly transfer the Property to Miller Group and/or their successors and assigns on a mutually convenient closing date established by the Township and Miller Group.

2. **Preparation of a Redevelopment Plan.**

In connection with the Township's prior designation of the Property as a "property in need of redevelopment" the Township hereby authorizes the Township Clerk/Administrator, Solicitor and Special Counsel to prepare and deliver to the Township Committee any amended Redevelopment Plan that may be required to implement the Agreement authorized herein..

3. **Redevelopment Agreement.**

The Township's Clerk/Administrator, Solicitor and Special Counsel are hereby further authorized and directed to prepare any needed amendments to the redevelopment Plan and redevelopment agreement, through which Miller Group will be permitted, subject to Township Planning Board approval to plan and construct the Project.

4. **Miscellaneous.**

(a) In the event that any section or portion of this Ordinance shall be declared to be unconstitutional, invalid or inoperative, in whole or in part, by a court of competent jurisdiction, each section or part shall, to the extent that it is unconditional, invalid, or inoperative, remain in full force and affect and no such determination shall be deemed to invalidate the remaining sections or parts of this ordinance or the ordinance as a whole.

(b) This Ordinance shall take effect as provided by Law.

NOTICE

The foregoing was introduced by the Edgewater Park Township Committee at its meeting held on April 29, 2009. This ordinance will be consider for adoption of final reading and public hearing to be held on May 19, 2009 at 7:00 PM, or shortly thereafter, in the Municipal Building, 400 Delanco Road, Edgewater Park, New Jersey. At which time and place all persons interested will be given an opportunity to be heard concerning said Ordinance. During the week prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's office to the members of the general public who shall request the same.

Linda M. Dougherty, R.M.C.,
Municipal Clerk/Administrator