

**NBHA RESOLUTION 2013 - 12/6 # 64**

**Resolution Authorizing and Approving Payment of Bills  
for the Month of October, 2013**

**WHEREAS**, the Housing Authority of the City of New Brunswick (including any successors or assigns, the "Housing Authority"), was duly created as an agency and instrumentality of the municipality of the State (the "Local Unit") in which such Housing Authority is located, and has been continued as a housing authority pursuant to and in accordance with the provisions of the Local Redevelopment and Housing Law, constituting Chapter 79 of the Laws of 1992 of the State, and the acts amendatory thereof and supplemental thereto (*N.J.S.A. 40A:12A-1 et seq.*) (the "Local Housing Law");

**WHEREAS**, the Executive Director and Deputy Director certify that the amounts and payment contained herein are correct and accurate to the best of their knowledge and they are in compliance with all applicable Housing Authority Procurement Policy and HUD No.24CFR 85.3G.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Housing Authority of the City of New Brunswick hereby approves and directs that the Executive Director and/or Deputy Director to process and pay the following bills for the month of October, 2013:

<u>Description</u>	<u>Amount</u>
Section 8 Payments	\$ 810,622.05
Payroll	\$ 155,386.52
Accounts Payable	\$ 222,140.04
Capital Fund	\$ 2,473.75
Local General	\$ 500.00

Passed on this 6th day of December, 2013 (See attached Vote Box)

  
\_\_\_\_\_  
**DALE CADDWELL**, Chairperson

  
\_\_\_\_\_  
**JOHN CLARKE**, Executive Director  
And Secretary to the Board

**NBHA RESOLUTION 2013 - 12/6 # 64**

**Resolution Authorizing and Approving Payment of Bills  
for the Months of October, 2013**

						M	S	A	N	A	A							M	S	A	N	A	A	
						O	E	Y	A	B	B							O	E	Y	A	B	B	
						V	C	E	A	S	S							V	C	E	A	S	S	
						E	O	S	S	T	T							E	O	S	S	T	T	
							N			I									N			I		
							D			N									D			N		
<b>COMMISSIONER</b>												<b>COMMISSIONER</b>												
BRANGMAN								✓				GIORGIANNI												✓
JONES							✓	✓				WOLDE						✓		✓				
ONZALEZ								✓				CUPANO												✓
												CHAIRPERSON CALDWELL												✓

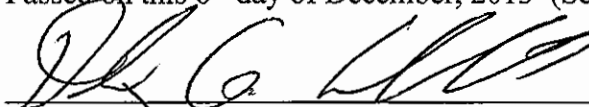
**NBHA RESOLUTION 2013 - 12/6 # 65**

**Resolution Approving the 2014 Meeting Schedule for the Housing Authority  
of the City of New Brunswick**

**WHEREAS**, the Housing Authority of the City of New Brunswick (including any successors or assigns, the "Housing Authority"), was duly created as an agency and instrumentality of the municipality of the State (the "Local Unit") in which such Housing Authority is located, and has been continued as a housing authority pursuant to and in accordance with the provisions of the Local Redevelopment and Housing Law, constituting Chapter 79 of the Laws of 1992 of the State, and the acts amendatory thereof and supplemental thereto (*N.J.S.A. 40A:12A-1 et seq.*) (the "Local Housing Law");

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Housing Authority of the City of New Brunswick does hereby approve and accept the attached 2014 Meeting Schedule for the Housing Authority of the City of New Brunswick.

Passed on this 6<sup>th</sup> day of December, 2013 (See attached Vote Box)

  
\_\_\_\_\_  
**DALE CALDWELL**, Chairperson

  
\_\_\_\_\_  
**JOHN A.H. CLARKE**, Executive Director  
And Secretary to the Board

**NBHA RESOLUTION 2013 - 12/6 # 65**

**Resolution Approving the 2014 Meeting Schedule for the Housing Authority  
of the City of New Brunswick**

M O V E	S E C O N D	A Y E S	N A Y S	A B S T A I N	A B S E N T	M O V E	S E C O N D	A Y E S	N A Y S	A B S T A I N	A B S E N T
<b>COMMISSIONER</b>						<b>COMMISSIONER</b>					
BRANGMAN			✓			GIORGIANNI					✓
JONES		✓	✓			CUPANO					✓
GONZALEZ			✓			WOLDE	✓		✓		
						CALDWELL					✓
						CHAIRPERSON					

**NBHA RESOLUTION 2013 – 12/6 # 66 [Redevelopment]**

**HOUSING AUTHORITY OF THE CITY OF NEW BRUNSWICK  
ACTING AS REDEVELOPMENT AGENCY**

**RESOLUTION approving additional waiver of recording requirements for Lot 16.01 in Block 54 pursuant to Section 3.01 of Redevelopment Agreement with New Brunswick Development Corporation for the College Avenue Redevelopment Project on the Downtown Campus of Rutgers, The State University**

**WHEREAS**, the Housing Authority of the City of New Brunswick, acting as the City of New Brunswick Redevelopment Agency (“Redevelopment Agency”), pursuant to N.J.S.A. 40A:12A-4 and N.J.S.A. 40A:12A-21, may exercise all powers, duties and functions relating to redevelopment in the manner of a redevelopment entity under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 to 49, which powers include contracting with redevelopers for the planning, replanning, construction, or undertaking of any project or redevelopment work under N.J.S.A. 40A:12A-8.f; and

**WHEREAS**, the Redevelopment Agency and New Brunswick Development Corporation (“DEVCO”) have entered into a certain Redevelopment Agreement dated April 11, 2013 (the “Redevelopment Agreement”), with respect to the construction of various improvements on lands known as Block 94, Lots 1.02, 5.01 and 16.01; Block 54, Lot 1.01; and Block 71, Lot 4.01 as shown on the tax maps of the City of New Brunswick (the “Project Site”), whereby DEVCO, as redeveloper, agrees to implement the College Avenue Redevelopment Plan on a portion of the Downtown Campus of Rutgers, the State University of New Jersey; and

**WHEREAS**, Section 4.03 of the Redevelopment Agreement permits DEVCO to assign its rights under the Redevelopment Agreement to its affiliate, College Avenue Redevelopment Associates, LLC (“CARA”) and Section 3.01 of the Redevelopment Agreement specifies that DEVCO must record a Declaration of Covenants and Restrictions for the Project Site prior to any assignment of the Redevelopment Agreement; and

**WHEREAS**, in order for the financing of the Project to close expeditiously on September 12, 2013, the structure of the project was modified such that (a) DEVCO assigned its redevelopment rights to CARA at closing; (b) certain parcels within the Project Site (the “CARA Initial Parcels”) were conveyed directly to CARA instead of to DEVCO, as was contemplated initially, with the intent that CARA would acquire the remainder of the Project Site after the closing; and (c) CARA, as owner of the CARA Initial Parcels, recorded the Declaration of Covenants and Restrictions (“Initial Declaration”) immediately upon closing title; and

**WHEREAS**, on October 23, 2013, acknowledging CARA’s prompt recording of the Initial Declaration, the technical and minor nature of DEVCO’s default, and the clear need for an expeditious closing, the Redevelopment Agency adopted Resolution 2013-10/23 #61, granting a retroactive waiver from the requirements of Sections 3.01 and 4.03 of the Redevelopment Agreement with respect to the CARA Initial Parcels and the Initial Declaration;

and

**WHEREAS**, by letter from its attorneys dated November 21, 2013, DEVCO has advised the Redevelopment Agency that CARA will soon acquire Lot 16.01 in Block 54 ("Lot 16.01"), the remaining parcel in the Project Site, from Rutgers, the State University of New Jersey, and DEVCO requests an advance waiver from the requirements of Sections 3.01 and 4.03 of the Redevelopment Agreement to allow CARA to record a Declaration of Covenants and Restrictions with respect to Lot 16.01 (the "Lot 16.01 Declaration") after acquiring title; and

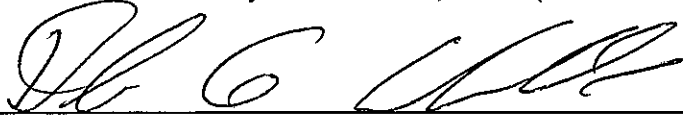
**WHEREAS**, in light of CARA's prompt recording of the Initial Declaration and the comparatively limited scope of the relief now requested, the Redevelopment Agency finds that the waiver will satisfy the intent of Section 3.01 of the Redevelopment Agreement, to impose the necessary covenants and restrictions on the Project Site before construction, with respect to Lot 16.01; and

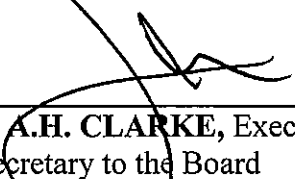
**WHEREAS**, the Redevelopment Agency also finds that granting the requested waiver furthers the Redevelopment Agency's interest in carrying out the Redevelopment Plan and is consistent with the public purposes that the Redevelopment Plan addresses.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. DEVCO's assignment of the Redevelopment Agreement to CARA is hereby approved retroactively with respect to Lot 16.01 in Block 54 and deemed to be a de minimus technical violation of Section 3.01 of the Redevelopment Agreement for which the Redevelopment Agency hereby waives its right to seek redress.
2. CARA is hereby authorized to record the Lot 16.01 Declaration, in form satisfactory to the Redevelopment Agency's special counsel, upon taking title to Lot 16.01.
3. The terms of the Redevelopment Agreement remain in full force and effect and the waiver herein granted shall not be construed as a waiver of any other rights that the Redevelopment Agency may have under the Redevelopment Agreement.
4. This resolution shall take effect immediately.

Passed on this 6<sup>th</sup> day of December, 2013 (See attached Vote Box)

  
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**DALE CALDWELL**, Chairperson

  
\_\_\_\_\_  
**JOHN A.H. CLARKE**, Executive Director  
And Secretary to the Board

**NBHA RESOLUTION 2013 – 12/6 # 66 [Redevelopment]**

**RESOLUTION approving additional waiver of recording requirements for Lot 16.01 in Block 54 pursuant to Section 3.01 of Redevelopment Agreement with New Brunswick Development Corporation for the College Avenue Redevelopment Project on the Downtown Campus of Rutgers, The State University**

[REDACTED]							[REDACTED]						
M O V E	S E C O N D	A Y E S	N A Y S	A B S E N T	A B S E N T	M O V E	S E C O N D	A Y E S	N A Y S	A B S E N T	A B S E N T		
<b>COMMISSIONER</b>							<b>COMMISSIONER</b>						
BRANGMAN							GIORGIANNI						
JONES							CUPANO						
GONZALEZ							WOLDE						
[REDACTED]							CALDWELL						
[REDACTED]							CHAIRPERSON						

**NBHA RESOLUTION 2013-12/6 # 67 *Redevelopment***

**HOUSING AUTHORITY OF THE CITY OF NEW BRUNSWICK  
ACTING AS REDEVELOPMENT AGENCY**

**RESOLUTION approving Concept Plan and transfer to  
Construction Management Associates, Inc. of Lot 4.01 in  
Block 71, commonly known as 17 Mine Street, in  
Redevelopment Area 2 in the College Avenue Redevelopment  
Area**

**WHEREAS**, the Housing Authority of the City of New Brunswick, acting as the City of New Brunswick Redevelopment Agency (“Redevelopment Agency”), pursuant to N.J.S.A. 40A:12A-4 and N.J.S.A. 40A:12A-21, may exercise all powers, duties and functions relating to redevelopment in the manner of a redevelopment entity under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 to 49, which powers include contracting with redevelopers for the planning, replanning, construction, or undertaking of any project or redevelopment work under N.J.S.A. 40A:12A-8.f; and

**WHEREAS**, on or about July 18, 2012, by Ordinance #O-071205, the City Council of the City of New Brunswick adopted a redevelopment plan for the area in need of rehabilitation known as the College Avenue Redevelopment Area (“Redevelopment Plan”), which Redevelopment Plan encompasses an area consisting of Block 94, Lots 1.02, 5.01, and 16.01; Block 54, Lots 1.01 and 9.01; and Block 71, Lot 4.01, as shown on the tax maps of the City of New Brunswick (the “Redevelopment Area”); and

**WHEREAS**, by Resolution No. 2012 11/9 #47, duly adopted on November 9, 2012, the Redevelopment Agency approved the application of New Brunswick Development Corporation (“Devco”) to be designated as redeveloper of the Redevelopment Area for the purpose of developing it with mixed uses, including a new building to provide housing for the New Brunswick Theological Seminary on Lot 4.01 in Block 71 (the “Property”); and

**WHEREAS**, the Redevelopment Agency and Devco entered into a redevelopment agreement, dated April 11, 2013 (the “Redevelopment Agreement”), providing for the construction of improvements within the Redevelopment Area, including the Property, but Devco did not offer a concept plan for the Property at that time; and

**WHEREAS**, Section 1.03.b of the Redevelopment Agreement anticipates that the Property will be developed with approximately 10-20 townhome or condominium units to house New Brunswick Theological Seminary students; and

**WHEREAS**, Section 2.04.b of the Redevelopment Agreement requires the redeveloper to present a concept plan for the Property for approval by the Redevelopment Agency before applying for site plan approval and, upon approval of the concept plan, to enter into an amendment of the Redevelopment Agreement with respect to the Property; and

**WHEREAS**, pursuant to the Redevelopment Agreement, Devco assigned its redevelopment rights under the Redevelopment Agreement to College Avenue Redevelopment Associates, L.L.C. (“CARA”) and CARA acquired title to the Property; and



**WHEREAS**, by letter dated November 26, 2013, CARA requested the Redevelopment Agency's consent to the transfer of the Property and CARA's redeveloper designation and redevelopment rights with respect to the Property to Construction Management Associates, Inc. ("CMA"); and

**WHEREAS**, by letter dated November 25, 2013 from Thomas A. Kelso, Esq., attorney for CMA, CMA requested to be designated redeveloper of the Property and submitted information in support of its ability to undertake the project, including a proposed site/design plan (the "Concept Plan"), architectural renderings, evidence of financial capability, and information establishing its experience as a developer of other housing projects; and

**WHEREAS**, CMA and CARA will execute a certain Assignment and Assumption Agreement, a proposed form of which is attached to this Resolution, to be reviewed and approved by Special Counsel, by which Construction Management Associates, Inc. will assume the Redeveloper's obligations under the Redevelopment Agreement with respect to the Property; and

**WHEREAS**, CMA and CARA appeared before the Redevelopment Agency on December 6, 2013 to present the proposed Concept Plan, to provide additional information, and to answer questions from the Commissioners and the public; and

**WHEREAS**, based on CARA's and CMA's submissions and appearances, and subject to the conditions set forth in this Resolution, it is in the best interests of the Redevelopment Agency and the City of New Brunswick to terminate CARA's redeveloper designation with respect only to the Property, to approve the requested transfer to CMA of the Property and CARA's redeveloper designation and rights under the Redevelopment Agreement with respect to the Property, and to approve the proposed Concept Plan.

**NOW, THEREFORE, BE IT RESOLVED** by the Housing Authority of the City of New Brunswick, acting as Redevelopment Agency, that

1. The Redevelopment Agency hereby consents to the transfer of the Property, being Lot 4.01 in Block 71, commonly known as 17 Mine Street in the College Avenue Redevelopment Area, to Construction Management Associates, Inc.
2. The Redevelopment Agency hereby terminates CARA's designation as redeveloper of the Property.
3. The Redevelopment Agency approves the documentation submitted by Construction Management Associates, Inc., as referenced above, specifically including the Concept Plan for the Property.
4. The Redevelopment Agency consents to CARA's assignment of its rights under the Redevelopment Agreement to Construction Management Associates, Inc. with respect to the Property, and designates and certifies Construction Management Associates, Inc. as the redeveloper of the Property.

5. This redeveloper designation is subject to (i) the execution of the Assignment and Assumption Agreement, in form satisfactory to the Redevelopment Agency's special counsel, and (ii) the execution of an Amendment to the Redevelopment Agreement providing for the development of the Property in accordance with the Concept Plan and such other conditions as may be appropriate.

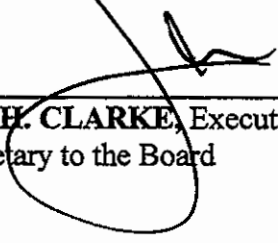
6. The Redevelopment Agreement shall remain in full force and effect, and fully binding on CARA, its successors, and assigns, including Construction Management Associates, Inc.

7. As set forth in the Redevelopment Agreement, Construction Management Associates, Inc. shall be responsible to reimburse the Redevelopment Agency's costs, including legal fees, with respect to the development of the Property.

8. This Resolution shall take effect immediately.

Passed on this 6<sup>th</sup> day of December, 2013 (See attached Vote Box)

  
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**DALE CALDWELL**, Chairperson

  
\_\_\_\_\_  
**JOHN A.H. CLARKE**, Executive Director  
And Secretary to the Board

**NBHA RESOLUTION 2013-12/6 #67 [Redevelopment]**

**HOUSING AUTHORITY OF THE CITY OF NEW BRUNSWICK  
ACTING AS REDEVELOPMENT AGENCY**

**RESOLUTION approving Concept Plan and transfer to  
Construction Management Associates, Inc. of Lot 4.01 in  
Block 71, commonly known as 17 Mine Street, in  
Redevelopment Area 2 in the College Avenue Redevelopment  
Area**

M O V E	S E C O N D	A Y S	N A Y S	A B S T A I N	A B S E N T	M O V E	S E C O N D	A Y S	N A Y S	A B S T A I N	A B S E N T
<b>COMMISSIONER</b>						<b>COMMISSIONER</b>					
BRANGMAN			✓			GIORGIANNI					✓
JONES		✓	✓			CUPANO					✓
GONZALEZ			✓			WOLDE	✓		✓		
						CALDWELL			✓		
						CHAIRPERSON					

**NBHA RESOLUTION 2013-12/6 # 68 [Redevelopment]**

**HOUSING AUTHORITY OF THE CITY OF NEW BRUNSWICK  
ACTING AS REDEVELOPMENT AGENCY**

**RESOLUTION approving transfer of ownership  
interest in Matrix Upper Lot Urban Renewal, LLC,  
the Redeveloper of the residential component of a  
mixed use project on Lot 3, Block 117.01 in the  
Downtown Development District Redevelopment  
Area**

WHEREAS, pursuant to the Redevelopment Plan for the Downtown Development District Redevelopment Area, the Redevelopment Agency previously designated Matrix Upper Lot Urban Renewal, LLC (“Redeveloper”) as redeveloper of a site consisting of Lot 3 in Block 117.01, as said parcel is shown on the official tax maps of the City (the “Project Site”); and

WHEREAS, Redeveloper is 100% owned by Matrix New Brunswick Land, LLC (“MNB Land”), which has previously provided evidence of its experience and financial qualifications to the Redevelopment Agency; and

WHEREAS, the Redevelopment Agency entered into an agreement with Redeveloper entitled “Redevelopment Agreement for the Development of a Mixed Use Residential and Parking Complex on Lot 3 in Block 117.01 (the ‘Upper Lot’) in a Portion of the Downtown Development District Redevelopment Area,” dated as of May 23, 2012 (the “Redevelopment Agreement”), setting forth the terms and conditions for implementation of the Redevelopment Plan on the Project Site; and

WHEREAS, the parties subsequently entered into an Amendment to Redevelopment Agreement, dated January 28, 2013 (the Redevelopment Agreement, as amended, being referred to as the “Amended Redevelopment Agreement”); and

WHEREAS, the Amended Redevelopment Agreement provides, among other things, for (i) construction on the Project Site of (i) a new parking garage to accommodate approximately 550 vehicles (the “Garage”); (ii) a new residential building containing approximately 393 luxury rental apartments (the “Residences,” together with the Garage, the “Project”), (ii) subjecting the Project Site to the condominium form of ownership and creating two condominium units, one for the Residences and one for the Garage; (iii) certain changes in the ownership structure of the Garage unit, and (iv) Redeveloper’s acceptance of additional minority investors into its ownership structure; and

WHEREAS, Section 4.03 of the Amended Redevelopment Agreement permits as of right, without the Redevelopment Agency’s further consent, the “conveyance to investors of minority interests in the Redeveloper, which interests shall not exceed 49% in the aggregate ,

provided that (i) Matrix New Brunswick Land, LLC retains a controlling majority interest and management control of Redeveloper; and (ii) prior to the issuance of a Certificate of Completion, the ownership of Matrix New Brunswick Land, LLC may not be transferred without the Redevelopment Agency's consent;" and

WHEREAS, by letters dated November 12, 2013 and November 26, 2013 from Charles B. Liebling, Esq., attorney for Redeveloper, Redeveloper requested the Redevelopment Agency's consent to certain transfers of interests in Redeveloper that are not permitted as of right under Section 4.03 of the Amended Redevelopment Agreement, resulting in the following revised ownership structure:

- a. Redeveloper will be owned 100% by a new entity ("Venture, LLC");
- b. Venture, LLC will be owned 92% by an affiliate of Prudential Real Estate Investors ("PREI") and 8% by another new joint venture ("New JV");
- c. New JV will be owned 50% by Alliance Residential Company ("Alliance") and 50% by MNB Land; and
- d. New JV will have management control of the project during construction and Alliance will oversee the construction; and

WHEREAS, the design of the Residences has already been approved by the New Brunswick Planning Board and will not be affected by the proposed transfer; and

WHEREAS, Redeveloper has provided information on the proposed transferees, PREI and Alliance, evidencing substantial financial assets and experience in residential development and property management, respectively; and

WHEREAS, Redeveloper appeared before the Redevelopment Agency on December 6, 2013 to present its requests and answer questions from the Commissioners and the public; and

WHEREAS, the Commissioners of the Redevelopment Agency have considered the requested transfers and find, based on the information submitted by Redeveloper, that the proposed changes in ownership of the Redeveloper are acceptable and that the transfers will strengthen the Project and make a positive contribution to New Brunswick's redevelopment program; and

WHEREAS, the Commissioners find, further, that consenting to the requested transfers conforms to the Redevelopment Plan and furthers the public purposes that the Redevelopment Plan addresses.

NOW, THEREFORE, BE IT RESOLVED THAT:


1. The Redevelopment Agency hereby consents to the transfers requested by Redeveloper, as described herein and in correspondence from Redeveloper's counsel.
2. The Redevelopment Agreement shall remain in full force and effect, and fully

binding on Redeveloper, its successors, and assigns.

3. As set forth in the Redevelopment Agreement, Redeveloper shall remain responsible to reimburse the Redevelopment Agency's costs, including legal fees, with respect to the development of the Property.

4. This Resolution shall become effective immediately.

Passed on this 6<sup>th</sup> day of December, 2013 (See attached Vote Box)

  
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**DALE CALDWELL**, Chairperson

  
\_\_\_\_\_  
**JOHN A.H. CLARKE**, Executive Director  
And Secretary to the Board

**NBHA RESOLUTION 2013-12/6 # 68 [Redevelopment]**

**HOUSING AUTHORITY OF THE CITY OF NEW BRUNSWICK  
ACTING AS REDEVELOPMENT AGENCY**

**RESOLUTION approving transfer of ownership interest in Matrix Upper Lot Urban Renewal, LLC, the Redeveloper of the residential component of a mixed use project on Lot 3, Block 117.01 in the Downtown Development District Redevelopment Area**

	M O V E	S E C O N D	A Y E S	N A Y S	A B S T A I N	A B S E N T		M O V E	S E C O N D	A Y E S	N A Y S	A B S T A I N	A B S E N T	
<b>COMMISSIONER</b>							<b>COMMISSIONER</b>							
BRANGMAN			✓				GIORGIANNI						✓	
JONES	✓		✓				CUPANO						✓	
GONZALEZ		✓	✓				WOLDE			✓				
							CALDWELL			✓				
							CHAIRPERSON							

**NBHA RESOLUTION 2013-12/6 # 69 [Redevelopment]**

**HOUSING AUTHORITY OF THE CITY OF NEW BRUNSWICK  
ACTING AS REDEVELOPMENT AGENCY**

**RESOLUTION approving Amendment to Redevelopment Agreement with respect to Lot 4.01 in Block 71, commonly known as 17 Mine Street, in Redevelopment Area 2 in the College Avenue Redevelopment Area**

**WHEREAS**, the Housing Authority of the City of New Brunswick, acting as the City of New Brunswick Redevelopment Agency (“Redevelopment Agency”), pursuant to N.J.S.A. 40A:12A-4 and N.J.S.A. 40A:12A-21, may exercise all powers, duties and functions relating to redevelopment in the manner of a redevelopment entity under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 to 49, which powers include contracting with redevelopers for the planning, replanning, construction, or undertaking of any project or redevelopment work under N.J.S.A. 40A:12A-8.f; and

**WHEREAS**, on or about July 18, 2012, by Ordinance #O-071205, the City Council of the City of New Brunswick adopted a redevelopment plan for the area in need of rehabilitation known as the College Avenue Redevelopment Area (“Redevelopment Plan”), which Redevelopment Plan encompasses an area consisting of Block 94, Lots 1.02, 5.01, and 16.01; Block 54, Lots 1.01 and 9.01; and Block 71, Lot 4.01, as shown on the tax maps of the City of New Brunswick (the “Redevelopment Area”); and

**WHEREAS**, by Resolution No. 2012 11/9 #47, duly adopted on November 9, 2012, the Redevelopment Agency approved the application of New Brunswick Development Corporation (“Devco”) to be designated as redeveloper of the Redevelopment Area for the purpose of developing it with mixed uses, including a new building to provide housing for the New Brunswick Seminary on Lot 4.01 in Block 71 (the “Property”); and

**WHEREAS**, the Redevelopment Agency and Devco entered into a redevelopment agreement, dated April 11, 2013 (the “Redevelopment Agreement”), providing for the construction of improvements on the Property and requiring the Redevelopment Agency to approve a concept plan for the Property at a later date; and

**WHEREAS**, pursuant to the Redevelopment Agreement, Devco assigned its redevelopment rights under the Redevelopment Agreement to College Avenue Redevelopment Associates, L.L.C. (“CARA”) and CARA acquired title to the Property; and

**WHEREAS**, by Resolution duly adopted on December 6, 2013, the Redevelopment Agency (i) consented to the transfer of the Property to Construction Management Associates, Inc. (“CMA”), (ii) consented to the transfer of CARA’s redevelopment rights to CMA, and (iii) approved the concept plan presented by CMA for development of the Property with approximately 57 units of studio, one- and two-bedroom housing units, including housing



for New Brunswick Theological Seminary students (“Concept Plan”); and

**WHEREAS**, the foregoing Resolution was made contingent upon (i) CMA’s execution of a certain Assignment and Assumption Agreement, approved as to form by Special Counsel for the Redevelopment Agency, by which CMA assumes all of the redeveloper’s obligations under the Redevelopment Agreement with respect to the Property; and (ii) the execution of an Amendment to the Redevelopment Agreement, as required by Section 2.04.b of the Redevelopment Agreement; and

**WHEREAS**, CMA has executed or will shortly execute the Assignment and Assumption Agreement in substantially the form approved by Special Counsel; and

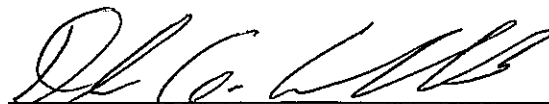
**WHEREAS**, Special Counsel has prepared a proposed Amendment to Redevelopment Agreement, a form of which is attached to this Resolution, in compliance with Section 2.04.b of the Redevelopment Agreement; and

**WHEREAS**, the Commissioners of the Redevelopment Agency have considered the proposed form of Amendment to Redevelopment Agreement, finding that it conforms to the Redevelopment Plan and furthers the public purposes that the Redevelopment Plan addresses.

**NOW, THEREFORE, BE IT RESOLVED** by the Housing Authority of the City of New Brunswick, acting as Redevelopment Agency, that

1. The Amendment to Redevelopment Agreement is approved in substantially the form attached hereto.
2. The Chairperson or, in the Chair’s absence, the Vice Chairperson or other appropriate designee of the Chair, is authorized to execute the Amendment to Redevelopment Agreement in substantially the form attached hereto, along with any other documents and/or agreements necessary to implement the Redevelopment Agreement, as hereby amended, in accordance with the Redevelopment Plan.
3. This Resolution shall become effective immediately.

Passed on this 6<sup>th</sup> day of December, 2013 (See attached Vote Box)

  
\_\_\_\_\_  
**DALE CALDWELL**, Chairperson

  
\_\_\_\_\_  
**JOHN A.H. CLARKE**, Executive Director  
And Secretary to the Board

HOUSING AUTHORITY OF THE CITY OF NEW BRUNSWICK  
ACTING AS REDEVELOPMENT AGENCY

RESOLUTION approving Amendment to Redevelopment Agreement with respect to Lot 4.01 in Block 71, commonly known as 17 Mine Street, in Redevelopment Area 2 in the College Avenue Redevelopment Area

	M O V E	S E C O N D	A Y E S	N A Y S	A B S T A I N	A B S E N T		M O V E	S E C O N D	A Y E S	N A Y S	A B S T A I N	A B S E N T
<b>COMMISSIONER</b>							<b>COMMISSIONER</b>						
BRANGMAN	✓		✓				GIORGIANNI						✓
JONES			✓				CUPANO						✓
GONZALEZ		✓	✓				WOLDE			✓			
							CALDWELL			✓			
							CHAIRPERSON						