

RESOLUTION OF THE BOROUGH OF WHARTON, IN THE COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING THE EXECUTION OF AN ESCROW AGREEMENT

WHEREAS, on July 16, 2018, the Borough Council (the "Borough Council") of the Borough of Wharton, in the County of Morris, New Jersey (the "Borough") adopted Resolution #R-100-18, designating Block 1317, Lots 1 through 22 (including former Lot 23), along with all streets and rights of way appurtenant thereto (the "Redevelopment Area"), as a non-condemnation area in need of redevelopment in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law"); and

WHEREAS, on October 15, 2018, the Borough Council finally adopted Ordinance O-17-18 (the "Redevelopment Plan Ordinance"), adopting a redevelopment plan for the Redevelopment Area dated September 12, 2018, entitled, "Main Street Redevelopment Plan, Block 1317, Lots 1-23", and prepared by J. Caldwell and Associates, LLC (as the same may be amended and supplemented from time to time, the "Redevelopment Plan"); and

WHEREAS, Community Healthcare Associates, LLC (or a wholly owned subsidiary of same, "CHA") has agreed to deposit with the Borough the initial amount of Twenty-Five Thousand Dollars (\$25,000.00) (the "Escrow Deposit"), to be deposited in an escrow account and disbursed in accordance with the provisions of an escrow agreement with CHA (in the form attached hereto as Exhibit A, the "Escrow Agreement") to defray certain costs incurred by or on behalf of the Borough arising out of or in connection with the Redevelopment Area, including but not limited to, prior work consisting of the Redevelopment Area study and designation, the drafting of the Redevelopment Plan and the adoption of same by the Borough Council and Borough Planning Board, the selection and designation of a redeveloper, the review, negotiation and/or preparation of any necessary agreements, assistance to the Borough on any prospective project and redeveloper due diligence and with the Borough's efforts to assist redeveloper with project development, capital formation and implementation, and the preparation of any other documents or actions related to this project (collectively, the "Municipal Undertakings"),

WHEREAS, the Borough desires to authorize the execution of the Escrow Agreement to memorialize the terms of the Escrow Deposit.

NOW THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF WHARTON, IN THE COUNTY OF MORRIS, NEW JERSEY AS FOLLOWS:

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. The Mayor of the Borough is, upon the effectiveness of the Redevelopment Plan Ordinance, hereby authorized and directed to execute the Escrow Agreement, in the form attached hereto as Exhibit A, with such changes, omissions or amendments as the Mayor deems appropriate in consultation with the Borough's

redevelopment counsel, planning consultant and other professionals. The Clerk of the Borough is hereby authorized and directed to attest to the Mayor's signature and affix the seal of the Borough to the Escrow Agreement. Upon execution and attestation of same, the Mayor is hereby authorized to deliver the Escrow Agreement to the other party thereto.

Section 3. This Resolution shall take effect immediately.

Adopted: October 29, 2018

BOROUGH OF WHARTON

ATTEST:

**WILLIAM J. CHEGWIDDEN,
MAYOR**

**Gabrielle Evangelista,
Municipal Clerk**

EXHIBIT A

Form of Escrow Agreement