

**RESOLUTION OF THE BOROUGH OF WHARTON, IN THE COUNTY OF MORRIS, NEW JERSEY, AUTHORIZING THE EXECUTION OF AN ESCROW AGREEMENT WITH WHARTON DEVELOPMENTS A URBAN RENEWAL, LP**

WHEREAS, the Borough of Wharton (the “Borough”) is a political subdivision of the State of New Jersey (the “State”), located in the County of Morris; and

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., as amended and supplemented (the “Redevelopment Law”) provides municipalities with broad powers to ameliorate blighted areas, including the powers to investigate whether a property constitutes an “area in need of redevelopment,” to prepare and adopt a redevelopment plan for such area, to contract with redevelopers for the planning, replanning, construction or undertaking of any project or redevelopment work; and

WHEREAS, in accordance with the Redevelopment Law, the Borough has designated that certain property then identified as Block 301, Lot 1.01, Block 801, Lot 3, and Block 903, Lots 2 & 2.03 on the Official Tax Maps of the Borough as a non-condemnation area in need of redevelopment (the “Redevelopment Area”); and

WHEREAS, the Borough Council of the Borough (the “Borough Council”) previously adopted the L.E. Carpenter Site Redevelopment Plan Amendment dated on or about July 9, 2015, the Phase II Redevelopment Plan approved October 11, 2005, and the Redevelopment Plan for Phase 1, Block 903, Lot 2 dated July 10, 2003 (collectively, the “Prior Redevelopment Plans”); and

WHEREAS, on June 13, 2022, the Borough Council adopted Resolution No O-10-22, adopting the “L.E. Carpenter Redevelopment Plan” for the Redevelopment Area, prepared by J. Caldwell & Associates LLC Community Planning Consultants (Jessica Caldwell, P.P, A.I.C.P, Borough Planner, P.P. #5944), dated March 9, 2022 (the “Redevelopment Plan”); and

WHEREAS, Wharton Developments A Urban Renewal LP, (the “Entity”) is a Delaware limited partnership qualified as an urban renewal entity in the State, and is the owner of that certain property within the Redevelopment Area identified as Block 903, Lot 2.03, on the official Tax Maps of the Borough (the “Phase 1 Project Site”); and

WHEREAS, the Entity has proposed to undertake the following actions, in accordance with the terms of this Agreement and the Redevelopment Plan: (i) demolish all existing structures on the Redeveloper Parcels and Borough Parcels; (ii) design, develop, finance, construct, operate and maintain on the Project Site a multi-family development including one, four-story building containing approximately one-hundred and eighty-two (182) residential, rental units, including twenty-eight (28) units (consisting of five (5) one-bedroom units, seventeen (17) two-bedroom units, and six (6) three-bedroom units), which shall be affordable to very low-, low- and moderate-income households in accordance with the Redevelopment Plan and Letter Agreement dated October 26, 2016, by and between Fair

Share Housing Center and the Borough, with respect to the matter In the Matter of the Borough of Wharton, County of Morris, Docket No. MRS-L-1691-15, along with associated amenities and site improvements, including but not limited to at least two hundred and seventy-three (273) on-site parking spaces, indoor amenity spaces including a club room, yoga room, and gym and outdoor amenity space, consisting of a pool and patio areas; (iii) design, develop, finance, construct, operate, and maintain twenty-eight (28) units (consisting of (five (5) one-bedroom units, seventeen (17) two-bedroom units, and six (6) three-bedroom units), which shall be affordable to very low-, low- and moderate-income households in accordance with the Redevelopment Plan units and to be located within the Borough, but outside of the Redevelopment Area; and (iv) construct all necessary on- and off-site infrastructure improvements (collectively, the “Redevelopment Project”); and

WHEREAS, it is in the best interest of the Borough and its residents for the costs of any further development activities relating to the Phase I Project Site to be borne by the Entity, and not by the Borough from its general municipal budget for which there is no appropriation; and

WHEREAS, Entity 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 this Agreement to defray certain costs incurred by or on behalf of the Borough arising out of or in connection with any redevelopment activities relating to the Phase 1 Project Site, including but not limited to, the designation of a redeveloper, the review, negotiation and/or preparation of any necessary agreements, including this Agreement, assistance to the Borough on any prospective project and due diligence and with the Borough’s efforts to assist Entity with project development, capital formation and implementation, and the preparation of any other documents or actions related to this project.

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 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: March 27, 2023**

**BOROUGH OF WHARTON**

**ATTEST:**

**WILLIAM J. CHEGWIDDEN,  
MAYOR**

**Gabrielle Evangelista,  
Borough Clerk**

**CERTIFICATE**

I HEREBY CERTIFY the foregoing to be a true copy of a Resolution adopted on March 27, 2023 by the Borough of Wharton, in the County of Morris, New Jersey.

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Gabrielle Evangelista, Borough Clerk  
Borough of Wharton, New Jersey

**EXHIBIT A**

Form of Escrow Agreement