

R-144-25

**RESOLUTION OF THE BOROUGH OF WHARTON, IN THE COUNTY OF MORRIS,
NEW JERSEY, ACCEPTING A SIDEWALK EASEMENT AND SIGHT TRIANGLE
EASEMENT FROM WHARTON INVESTORS II, LLC IN CONNECTION WITH THE
LE CARPENTER REDEVELOPMENT PROJECT**

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

WHEREAS, by Resolution No. 70 – 03, adopted on May 19, 2003, the Borough Council of the Borough (the “**Borough Council**”) designated Block 301, Lot 1.01, Block 801, Lot 3, and Block 903, Lots 2 & 2.03 as shown on the official tax maps of the Borough as a non-condemnation area in need of redevelopment (the “**Redevelopment Area**”) in accordance with the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “**Redevelopment Law**”); and

WHEREAS, 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 Ordinance 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**”), which supersedes and replaces the Prior Redevelopment Plans with regard to the Redevelopment Area; and

WHEREAS, Wharton Developments A (Urban Renewal) LP (the “**Redeveloper**”) is formed as a Delaware limited partnership and as an urban renewal entity under the laws of the State of New Jersey, and Wharton Investors II, LLC (“**Wharton II**”) 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 “**Project Site**”), which Project Site has been leased to the Redeveloper through a long-term ground lease; and

WHEREAS, the Borough and the Redeveloper entered into a Redevelopment Agreement dated May 13, 2025 (as the same may be amended and supplemented from time to time, the “**Redevelopment Agreement**”), pursuant to which the Redeveloper shall undertake the following actions, in accordance with the terms of the Redevelopment Agreement and the Redevelopment Plan: (i) design, develop, finance, construct, operate and maintain on the Project Site a multi-family residential development consisting of one, four-story building containing approximately one hundred eighty-two (182) residential, rental units, including twenty-eight (28) residential rental Affordable Units (as defined in the Redevelopment Agreement) and one hundred fifty-four (154) residential, rental market-rate units; (ii) design, develop, finance, construct, operate and maintain on the Project Site a minimum of 4,000 square feet of indoor amenity space, which is anticipated to include a club room, yoga room and gym, and outdoor amenity space totaling

approximately 10,000 square feet, which is anticipated to including a pool and patio areas; (iii) design, develop, finance, construct, operate and maintain on the Project Site approximately two hundred seventy-three (273) surface parking spaces; (iv) design, develop, finance, construct, operate and maintain on the Project Site associated site improvements including but not limited to lighting, landscaping, sidewalks, trash enclosures, signage, stormwater management, and other associated improvements; and (v) relocate a portion of the Wharton Rail Trail as specifically set forth in the Redevelopment Agreement (items (i) through (v), as more specifically described in Redevelopment Agreement, the “**Project**”); and

WHEREAS, Redeveloper received preliminary and final major site plan approval from the Borough Planning Board (the “**Planning Board**”), memorialized by Planning Board resolution dated January 10, 2023 (the “**Resolution**”), as extended by Planning Board resolution dated March 3, 2025; and

WHEREAS, the Resolution contemplated the construction of the Project on the Project Site (the “**Development Approval**”); and

WHEREAS, the Development Approval, among other things, provides for the construction of a six-foot (6’) sidewalk (the “**Sidewalk**”) at the southwest and northwest corner of the Project Site for pedestrian use by the general public; and

WHEREAS, Wharton II desires to grant an easement to the Borough for the use of the Sidewalk by the general public as set forth in a Sidewalk Easement (in the form on file in the office of the Borough Clerk, the “**Sidewalk Easement**”); and

WHEREAS, consistent with a condition of the Resolution and the Development Approval, Wharton II desires to grant a non-exclusive, perpetual easement to the on the terms and conditions set forth in a Sight Triangle Easement (in the form on file in the office of the Borough Clerk, the “**Sight Triangle Easement**”), over that portion of the Project Site depicted as Proposed Sight Triangle A and Proposed Sight Triangle B on the “Easement Exhibit” to the Sight Triangle Easement; and

WHEREAS, the Borough and Wharton II have agreed to enter into the Sidewalk Easement and Sight Triangle Easement.

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 hereby incorporated by reference as if fully set forth herein.

Section 2. The Borough hereby accepts the grant of the Sidewalk Easement and the Sight Triangle Easement in accordance with their respective terms.

Section 3. The Mayor of the Borough is hereby authorized and directed to execute any and all instruments, agreements, certificates and other documents necessary to memorialize the

easements described herein, including but not limited to, the Sidewalk Easement and the Sight Triangle Easement in substantially the forms set forth on file in the office of the Borough Clerk and available for public inspection, with such changes, omissions or amendments as the Mayor deems appropriate in consultation with the Borough's general counsel, redevelopment counsel, redevelopment planner and other Borough professionals (collectively, the "**Easement Documents**"). 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 such Easement Documents, as applicable. Upon execution and attestation of same, the Mayor is hereby authorized to deliver all Easement Documents to the other parties thereto.

Section 4. The Mayor, Borough Administrator, Borough Clerk and other appropriate Borough officials are hereby authorized and directed to take any and all other necessary action and to execute any document, instrument, certificate or agreement reasonably necessary to effectuate the transactions contemplated by this Resolution, including but not limited to recording any and all legal instruments necessary to evidence the grant of the Sidewalk Easement and the Sight Triangle Easement.

Section 5. This resolution shall take effect immediately.

Adopted: October 27, 2025

BOROUGH OF WHARTON

ATTEST:

WILLIAM J. CHEGWIDDEN
MAYOR

Cheryl Muzzillo,
Deputy Borough Clerk

CERTIFICATE

I HEREBY CERTIFY the foregoing to be a true copy of a Resolution adopted on October 27, 2025 by the Borough of Wharton, in the County of Morris, New Jersey.

Cheryl Muzzillo, Deputy Borough Clerk
Borough of Wharton, New Jersey