

RESOLUTION OF THE CITY OF GLOUCESTER CITY

County of Camden, State of New Jersey

#R⁰³⁷-2019

RESOLUTION AUTHORIZING THE FILING OF A GRANT APPLICATION BY OR ON BEHALF OF THE CITY OF GLOUCESTER CITY FOR THE PROPERTY LOCATED AT LOCATED AT 445 AND 450 KING STREET AND 449 NORTH BROADWAY, GLOUCESTER CITY, CAMDEN COUNTY, NEW JERSEY 08030, FORMERLY KNOWN AT THE O.S. JOHNSON SITE

WHEREAS, the New Jersey Department of Environmental Protection's ("NJDEP") has provided support for the City of Gloucester City's ("City") application for an EPA Brownfields Assessment Grant to the United States Environmental Protection Agency ("USEPA") to assist in the investigation and assessment of the property known as the former O.S. Johnson Site, located at 445 and 450 King Street and 449 North Broadway, Gloucester City, Camden County, NJ 08030 (the "Site"); and

WHEREAS, the City's application is due on or before January 31, 2019; and

WHEREAS, the City is applying for both petroleum and hazardous substances funding and is therefore obligated and required to obtain a letter from NJDEP providing a petroleum site eligibility determination; and

WHEREAS, by letter dated January 23, 2019, William J. Linder, Manager, Office of Brownfield Reuse ("Linder"), on behalf of the NJDEP to endorsed the City's application to the USEPA for a Brownfield Assessment Grant and acknowledged that the City, or its designee, intends to apply for the FY2019 Brownfield Assessment Grant; and

WHEREAS, Linder informed the USEPA that the Grant will be utilized to investigate and assess the discharge of hazardous substances associated with the former O.S. Johnson site located at 445 and 450 King Street and 449 North Broadway Gloucester City, Camden County, New Jersey which is part of the City's aggressive redevelopment and revitalization strategy to identify, assess and reuse abandoned brownfield sites and the property identified in the grant application is one of such properties and remediating the site would open the avenue for future opportunities for the city and its citizens; and .

WHEREAS, the City is the current owner of the Site; and

WHEREAS, the immediate past owner of the Site was Shigoe, L.L.C ("Shigoe") from which the City acquired through a tax lien foreclosure after Shigoe was delinquent for multiple years on its property taxes and had abandoned the Site; and

WHEREAS, the City has not dispensed or disposed of petroleum or petroleum product contamination, or exacerbated any existing petroleum contamination at the Site nor has the City owned the Site when any dispensing or disposal of petroleum by others took place, and the City has taken reasonable steps with regard to any contamination presently at the Site; and

WHEREAS, reasonable investigation has established that Shigoe did not dispense or dispose of petroleum or petroleum product contamination, or exacerbate any existing petroleum contamination at the Site; and

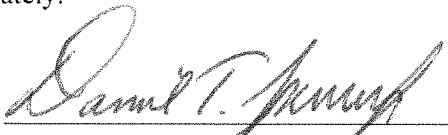
WHEREAS, the City reasonably believes that Shigoe did not own the Site when any dispensing or disposal of petroleum by others took place and that Shigoe took reasonable steps with regard to any contamination at the Site and furthermore, Shigoe does not have the financial capability to assess, investigate, or clean up the Site.

WHEREAS no viable responsible party has been located or identified, upon reasonable efforts to determine same for the Site and thus no responsible party has been identified for the Site, through either: (a) a judgment rendered in a court of law or an administrative order that would require any person to assess, investigate, or clean up the Site; (b) an enforcement action by federal or state authorities against any party that would require any person to assess, investigate, or clean up the Site; or (c) a citizen suit, contribution action, or other third-party claim brought against the current or immediate past owner, that would, if successful, require the assessment, investigation, or cleanup of the Site.

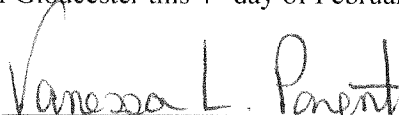
WHEREAS, the Site is presently not subject to any order under Section 9003(h) of the Solid Waste Disposal Act.

NOW THEREFORE BE IT RESOLVED by the Mayor and Common Council of the City of Gloucester City, County of Camden and State of New Jersey, that:

1. The provisions of the **WHEREAS** clauses set forth above are incorporated herein by reference and made a part hereof.
2. The Mayor and Common Council hereby authorize that any and all appropriate action be taken through either the City, or its designated representatives or potential successors in interest to apply for, secure and otherwise take all necessary actions to secure available grant funding to assist in the investigation and assessment of the property known as the former O.S. Johnson Site.
3. The Mayor and/or Business Administrator is hereby authorized to take any action to achieve the purposes set forth herein.
4. This Resolution shall take effect immediately.


Daniel T. Spencer, Mayor

Passed by the Mayor and Common Council of the City of Gloucester this 4th day of February, 2019.


Vanessa L. Penent