

RESOLUTION OF THE CITY OF GLOUCESTER CITY

County of Camden, State of New Jersey

#R⁶⁷⁴-2019

**RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT BY AND BETWEEN
THE CITY OF GLOUCESTER CITY AND PASSAIC PROPERTIES LLC, OR ITS DESIGNEE,
A DELAWARE LIMITED LIABILITY COMPANY FOR THE PROPERTY LOCATED AT
LOCATED AT 445 AND 450 KING STREET AND 449 NORTH BROADWAY, GLOUCESTER
CITY, CAMDEN COUNTY, NEW JERSEY 08030**

WHEREAS, the City of Gloucester City, a Municipal Corporation organized and existing pursuant to the laws of the State of New Jersey, with an address of 512 Monmouth Street, Gloucester City, New Jersey 08030 and Passaic Properties LLC, or its designee, a Delaware Limited Liability Company having a mailing address c/o Holt Logistics Corp., 101 S. King Street, Gloucester City, New Jersey 08030, desire to enter into a lease agreement for certain real property; and

WHEREAS, the New Jersey Department of Environmental Protection ("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, on or about January 31, 2019, applied for both petroleum and hazardous substances funding and were 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 endorse 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 as a result of the failure of the immediate past owner of the Site, Shigoe, L.L.C ("Shigoe") to satisfy delinquent taxes for multiple years and ultimately abandoned the Site; and

WHEREAS, the City desires to dispense or dispose of petroleum or petroleum product contamination at the Site and take reasonable steps to remediate any other contamination presently at the Site; and

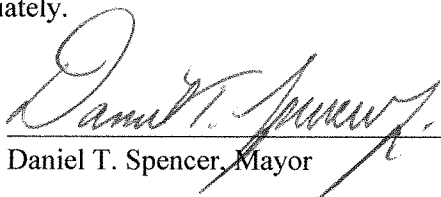
WHEREAS, the prior owner, Shigoe does not have the financial capability to assess, investigate, or clean up the Site.

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.

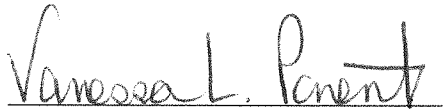
WHEREAS, the City, in conjunction with a creative partnership with Passaic Properties LLC, or its designee, a Delaware Limited Liability Company having a mailing address c/o Holt Logistics Corp. 101 S. King Street, Gloucester City, New Jersey 08030 desires to lease said property located at 430 North King Street, Gloucester City, Camden County, New Jersey, more specifically identified as Block 3, Lots 1, 2, 13, 14, 15 & 16 on the official Tax Map of the City of Gloucester City and as more fully described on Exhibit A of the attached Lease Agreement, attached hereto and made a part hereof.

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 effective the execution of the attached Lease Agreement, subject to final approval of the City Solicitor as to the final form of said document.
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 28th day of March, 2019.


Vanessa L. Parent, Acting City Clerk,
Certified Municipal Registrar