

RESOLUTION #23-140

Be It Resolved, By the Township Council of Piscataway Township,
(Seal) New Jersey, that:

WHEREAS, the Township of Piscataway ("Township") is authorized under the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* ("Redevelopment Law") to designate certain parcels of land within the Township as an area in need of redevelopment, and to adopt and implement redevelopment plans; and

WHEREAS, on July 24, 2018, the Township Council adopted Resolution 18-341, designating the property commonly known as the intersection of South Washington Avenue, Stelton Road, and Trent Place, designated as Block 5203, Lots 1.01, 5.01, 16.01, and 19.01 and the immediately adjacent, unimproved paper street known as Trent Place (collectively, the "Redevelopment Area") as a "non-condemnation area in need of redevelopment" pursuant to the criteria set forth in the Redevelopment Law; and

WHEREAS, on September 7, 2018, Shaan Realty, LLC ("Shaan Realty") filed a Complaint in Lieu of Prerogative Writs, in an action bearing Docket No. MID-L-5324-18 (the "2018 Action"), against the Township and the Township Planning Board (the "Planning Board"); and

WHEREAS, in the 2018 Action, Shaan Realty challenged the validity of the Township's designation of the Redevelopment Area as an area in need of redevelopment; and

WHEREAS, on April 18, 2019, the 2018 Action was dismissed without prejudice, with the understanding that Shaan Realty could reinstate it when, as and if the Township adopted a redevelopment plan, under the Redevelopment Law, for the Redevelopment Area; and

WHEREAS, on June 6, 2019, the Township Council adopted Ordinance No. 19-17, approving and adopting the North East Corner Stelton & Washington Redevelopment Plan for the Redevelopment Area (the "Redevelopment Plan"); and

WHEREAS, on July 23, 2019, Shaan Realty filed an Amended Complaint in Lieu of Prerogative Writs instituting the 2018 Action and adding a challenge therein to the validity of the Redevelopment Plan; and

WHEREAS, on December 30, 2019, Shaan Realty filed a separate Complaint in Lieu of Prerogative Writs, in an action bearing Docket No. MID-L-8632-19 (the "2019 Action") against the Planning Board and SW Investors, LLC ("SW Investors") the prospective redeveloper of the area; and

WHEREAS, in the 2019 Action, Shaan Realty challenged the validity of site plan approval under the Redevelopment Plan that the Planning Board granted to SW Investors in connection with the development of the Redevelopment Area, which approval was

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memorialized by the Planning Board in Resolution 19-PB-19 adopted on November 13, 2019 (the "Site Plan"); and

WHEREAS, the 2018 Action and 2019 Action were consolidated under Docket No. MID-L-5324-18; and

WHEREAS, by Order dated October 26, 2021, the Court entered judgment in favor of the Township and the Planning Board, dismissing the 2018 Action; and

WHEREAS, by Order dated January 6, 2022, the Court entered judgment in favor of the Planning Board and SW Investors, dismissing the 2019 Action; and

WHEREAS, Shaan Realty filed an appeal, in an action bearing Docket No. A-001795-21 (the "Appellate Action") against the Township, the Planning Board and SW Investors; and

WHEREAS, on April 21, 2022, SW Investors filed an Amended Complaint in an action bearing Docket No. MID-L-491-22 ("SW Investors Action" and, together with the 2018 Action, the 2019 Action and the Appellate Action, the "Litigation") against Shaan Realty; and

WHEREAS, in the meantime, the Township and SW Investors entered into a redevelopment agreement, dated April 13, 2022 (the "Redevelopment Agreement"), pursuant to which SW Investors will redevelop the Redevelopment Area with a project consisting of an approximately 5,051 square foot Wawa Convenience Store with five (5) fueling stations and a service canopy (the "Project"); and

WHEREAS, after further discussions among the parties, the parties have agreed that it is in their respective, best interests to avoid unnecessary, uncertain, and continued litigation, and its attendant cost, by reaching an accommodation of the dispute, including all issues which are, or might arise from, the subject of the Litigation; and

WHEREAS, the Parties desire to resolve all such claims and disputes amongst them in connection with the Litigation, all in the manner set forth in the settlement agreement in the form attached hereto as Exhibit A (the "Settlement Agreement"); and

WHEREAS, the Project will be consistent with preliminary and final major site plan approval the Planning Board granted the Redeveloper on November 13, 2019, except, however, that such approval was conditioned on SW Investors entering into a Financial Agreement with the Township providing for a tax exemption and payment-in-lieu-of-taxes and, pursuant to the Settlement Agreement, SW Investors will not apply for, and the Township will not grant such a tax exemption in connection with the Project; and

WHEREAS, the Township now desires to approve the settlement of the Litigation and to authorize the Mayor and Township Counsel, respectively, to sign the Settlement Agreement and a Stipulation of Dismissal effectuating the dismissal of the Litigation.

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NOW THEREFORE BE IT RESOLVED by the Township Council of the Township of Piscataway, in the County of Middlesex, New Jersey, as follows:

Section 1. The foregoing recitals are hereby incorporated by reference as if fully repeated herein.

Section 2. The Mayor is hereby authorized to execute the Settlement Agreement, in substantially the same form as that attached hereto as Exhibit A, and to execute any and all documents necessary to effectuate the purposes of the Settlement Agreement.

Section 3. Township Counsel is hereby authorized to execute the Stipulation of Dismissal in substantially the same form as that attached as an exhibit to the Settlement Agreement.

Section 4. This Resolution shall take effect immediately.



Clerk of the Township of Piscataway

MELISSA A. SEADER



President of Township Council

FRANK UHRIN

PASSED AS PART OF THE CONSENT AGENDA: March 7, 2023

MOTION MADE BY: Mrs. Lombardi

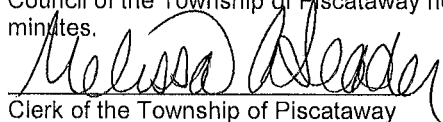
SECONDED BY: Mrs. Cahill

PASSED ON THE FOLLOWING VOTE:

YEAS: MESSRS. Cahill, Carmichael, Espinosa, Lombardi, Shah & Uhrin

NAYS: ----

I certify the foregoing to be a true and correct abstract of a resolution passed at a meeting of the Township Council of the Township of Piscataway held on this date and in that respect is a true and correct copy of its minutes.



Clerk of the Township of Piscataway
Melissa A. Seader