

TOWNSHIP OF PEMBERTON
RESOLUTION NO. 189-2022

**RESOLUTION CONDITIONALLY DESIGNATING NEW HORIZON
PROPERTIES AS THE REDEVELOPER FOR THE
REDEVELOPMENT AREA CONSISTING OF BLOCK 775, LOTS 18 &
19, 100 PEMBERTON-BROWNS MILLS ROAD**

WHEREAS, by way of Resolution No. 43-1994, Township Council of the Township of Pemberton ("Township Council") designated Block 775, Lots 18 and 19 (the "Property," formerly known as Browns Mills Shopping Center) on the official tax map as part of an area in need of redevelopment under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. ("LRHL") within a larger study area known as the Browns Mills Town Center District; and

WHEREAS, Township Council adopted the following in relation to the Property: Ordinance 8-1995 on March 16, 1995 approving a Redevelopment Plan for the Browns Mills Town Center District; Ordinance No. 12-2011 on May 18, 2011, approving a Redevelopment Plan for the Browns Mills Town Center Redevelopment Area and Expanded Study Area; and Ordinance No. 13-2018 on July 11, 2018, amending the Browns Mills Town Center Redevelopment Plan; and

WHEREAS, pursuant to said ordinances, Township Council authorized Township Administration to acquire title to the Browns Mills Shopping Center located at 100 Pemberton-Browns Mills Road, being Block 775, Lots 18 & 19 on the official tax map, from Rocco and Antonia Berardi (collectively, the "Berardis"), former owners of the Property; and

WHEREAS, by way of an eminent domain action filed in the Superior Court of New Jersey, Burlington Vicinage, under Docket No. BUR-L-954-18 (the "Eminent Domain Action"), the Township acquired, by judgment, title to the Property from the former owners of the Property; and

WHEREAS, New Horizon Properties of Englishtown, NJ, having made a presentation to Township Council on the date this Resolution has been proposed for consideration, wishes to become the contract purchaser of the Property and has requested to be designated as the Redeveloper of the Property, subject to the negotiation of a Purchase, Sale and Redevelopment Agreement through which it is seeking to construct a new retail shopping plaza consistent with the Redevelopment Plan for the Browns Mills Town Center; and

WHEREAS, the Township Council believes it is in the best interest of the Township to conditionally designate New Horizon Properties as the redeveloper for the Property pursuant to N.J.S.A. 40A:12-8(f) subject to the finalization and approval of a Purchase, Sale and Redevelopment Agreement between the parties.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Pemberton, in the County of Burlington and State of New Jersey, as follows:

1. New Horizon Properties is hereby conditionally designated as the redeveloper for the Browns Mills Shopping Center portion of the Browns Mills Town Center Redevelopment Area as to Block 775, Lots 18 and 19 known as 100 Pemberton-Browns Mills Road, hereafter the "100 PBM Road Redevelopment Area."
2. The designation of New Horizon Properties as the redeveloper for the 100 PBM Road Redevelopment Area is expressly conditioned upon the negotiation and approval of a redevelopment agreement between New Horizon Properties and the Township within forty-five (45) days of the date of this Resolution.
3. The failure to enter into a Purchase, Sale and Redevelopment Agreement within the time frame outlined herein shall automatically invalidate the Township's designation of New Horizon Properties, as the redeveloper for the 100 PBM Road Redevelopment Area without the necessity of any further action by the Township Council.

4. The Township Council may elect, in its sole discretion, to terminate the conditional designation of New Horizon Properties as the redeveloper for the 100 PBM Road Redevelopment Area prior to the expiration of the forty-five (45) day period set forth herein or to extend the forty-five (45) day negotiation period set forth herein by adoption of an appropriate resolution.

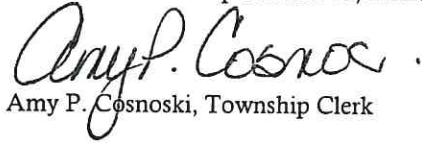
5. The Township Clerk shall provide a certified copy of this resolution to each of the following:

- (a) New Horizon Properties
- (b) Township Director of Community Development
- (b) Township Business Administrator
- (c) Pashman Stein Walder & Hayden

PEMBERTON TOWNSHIP COUNCIL

ATTEST:

I hereby certify that the foregoing Resolution was adopted by the governing body of Pemberton Township on June 15, 2022.


Amy P. Cosnoski, Township Clerk