

SECOND AMENDMENT TO REDEVELOPMENT AGREEMENT

THIS SECOND AMENDMENT TO REDEVELOPMENT AGREEMENT (this "Second Amendment"), made on or as of the 29 of October, 2020 (the "Effective Date"), by and between TOWNSHIP OF NUTLEY, a public body corporate and politic of New Jersey, acting as redevelopment entity pursuant to N.J.S.A. 40A:12A-1 et seq., whose address is 1 Kennedy Drive, Nutley, New Jersey 07110 ("Nutley" or the "Township"), and KINGSLAND STREET URBAN RENEWAL, LLC, a New Jersey limited liability company having its principal office at 343 Thornall Street, Edison, New Jersey 08837 (the "Redeveloper"). The Township and the Redeveloper are hereinafter individually referred to as a "Party" and collectively referred to as the "Parties".

WITNESSETH:

WHEREAS, the Parties are parties to a certain Redevelopment Agreement dated as of September 29, 2016, amended by a certain Amendment to Redevelopment Agreement dated as of April 10, 2018 (collectively, the "First Amended Redevelopment Agreement"); and

WHEREAS, the Redeveloper desires to submit an application to the Planning Board seeking preliminary and final site plan approval to construct an elevated pedestrian walkway (the "Walkway") linking the Clifton Parking Structure to an existing elevated pedestrian walkway, plans for which are attached hereto as **Exhibit A**; and

WHEREAS, as a result of such linkage, the Walkway will allow for pedestrian access between the Clifton Parking Structure and the Hackensack Meridian Health School of Medicine (Buildings 123/123A) (located on Block 300, Lot 1.03 in Nutley and Block 80.02, Lot 4.01 in Clifton) and 111 Ideation Way (Building 102, located on Block 300, Lot 1.05 in Nutley); and

WHEREAS, the existing elevated pedestrian walkway traverses Block 300, Lots 1, 1.03, 1.04 and 1.05 in Nutley and Block 80.02, Lots 4.01 and 4.02 in Clifton connecting the School of Medicine and 111 Ideation Way; and

WHEREAS, the Walkway will traverse Block 300, Lots 1 and 1.05 in Nutley and Block 80.02, Lots 4.03 and 4.04 in Clifton; and

WHEREAS, Redeveloper has obtained site plan approval from the Clifton Planning Board for the segment of the Walkway located in Lot 4.03 in Block 80.02 in Clifton and has a pending, fully compliant application with the Clifton Planning Board for the segment of the Walkway located in Lot 4.04 in Block 80.02 in Clifton; and

WHEREAS, the segment of the Walkway to be constructed in Block 300, Lot 1 in Nutley is subject to the Phase III Redevelopment Plan adopted by the Township; and

WHEREAS, the segment of the Walkway to be constructed in Block 300, Lot 1.05 in Nutley is subject to the Phase IIA Redevelopment Plan adopted by the Township; and

WHEREAS, by action at its meeting of October 6, 2020, the Board of Commissioners determined that the Walkway is permitted by and consistent with both of the above redevelopment plans; and

WHEREAS, both of the above redevelopment plans require, as a prerequisite to a hearing by the Planning Board to review a site plan application for property within the area subject thereto, that the applicant be designated as redeveloper in connection with the subject of such application and that the applicant and the Township enter into a redevelopment agreement with respect to the subject of such application; and

WHEREAS, the Parties wishes to satisfy such requirements by entering into this Second Amendment.

NOW, THEREFORE, in consideration of the promises and mutual covenants herein contained, and for other good and valuable consideration, the parties hereto do hereby covenant and agree each with the other as follows:

1. All capitalized terms used in this Second Amendment shall have the meaning ascribed to them in the First Amended Redevelopment Agreement unless otherwise defined herein.
2. All references to the “**Redevelopment Agreement**” in this Second Amendment and in the First Amended Redevelopment Agreement shall mean the First Amended Redevelopment Agreement as modified by this Second Amendment.
3. **Designation and Amendment.** The Township hereby designates Redeveloper for the sole and exclusive purpose of carrying out the development of the Walkway in the Township, pursuant to the terms of this Second Amendment, and hereby amends the Redevelopment Agreement to authorize same.
4. **Completion Date.** Redeveloper shall substantially complete the Walkway (in both the Township and Clifton) within one (1) year of the date of this Second Amendment.
5. **Representations, Warranties and Covenants.** For the purpose of inducing the other party to enter into this Second Amendment, the Redeveloper and the Township each restate the representations and covenants made in the Article 10 of the Original Redevelopment Agreement as if same were made as of the Effective Date.
6. **Second Amendment Construed with Agreement.** This Second Amendment is being entered into with the specific intention to modify the terms of the First Amended Redevelopment Agreement. All of the provisions of this Second Amendment shall be deemed to be and construed as part of the First Amended Redevelopment Agreement to the same extent as if fully set forth therein. All of the provisions of the First Amended Redevelopment Agreement not amended hereby shall remain in full force and effect.
7. **Counterparts.** This Second Amendment may be executed in any number of counterparts and by the different parties hereto on separate counterparts, each of which, when so executed, shall be deemed an original, but all such counterparts shall constitute but one and the same instrument.

8. Captions and Headings. The captions and headings herein used at the beginning of paragraphs or subparagraphs are solely for the purpose of assisting the reader and do not form a part of this Second Amendment.

9. Incorporation of Recitals. The Recitals above are incorporated herein as though fully set forth at length herein.

[The remainder of this page intentionally left blank]

IN WITNESS WHEREOF, the parties have caused this Second Amendment to be executed as of the day and year first above written.

**KINGSLAND STREET URBAN
RENEWAL, LLC**

By: _____

Name: *Robert Glenning*

Title:

TOWNSHIP OF NUTLEY

By: _____

Mauro Tucci, Mayor

Eleni Pettas, Clerk

IN WITNESS WHEREOF, the parties have caused this Second Amendment to be executed as of the day and year first above written.

**KINGSLAND STREET URBAN
RENEWAL, LLC**

By: _____
Name:
Title:

 10/29/2020

Eleni Pettas, Clerk

TOWNSHIP OF NUTLEY

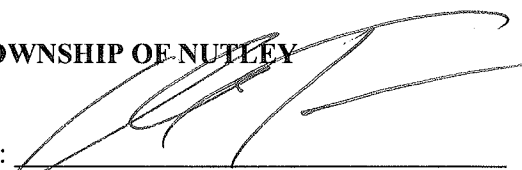
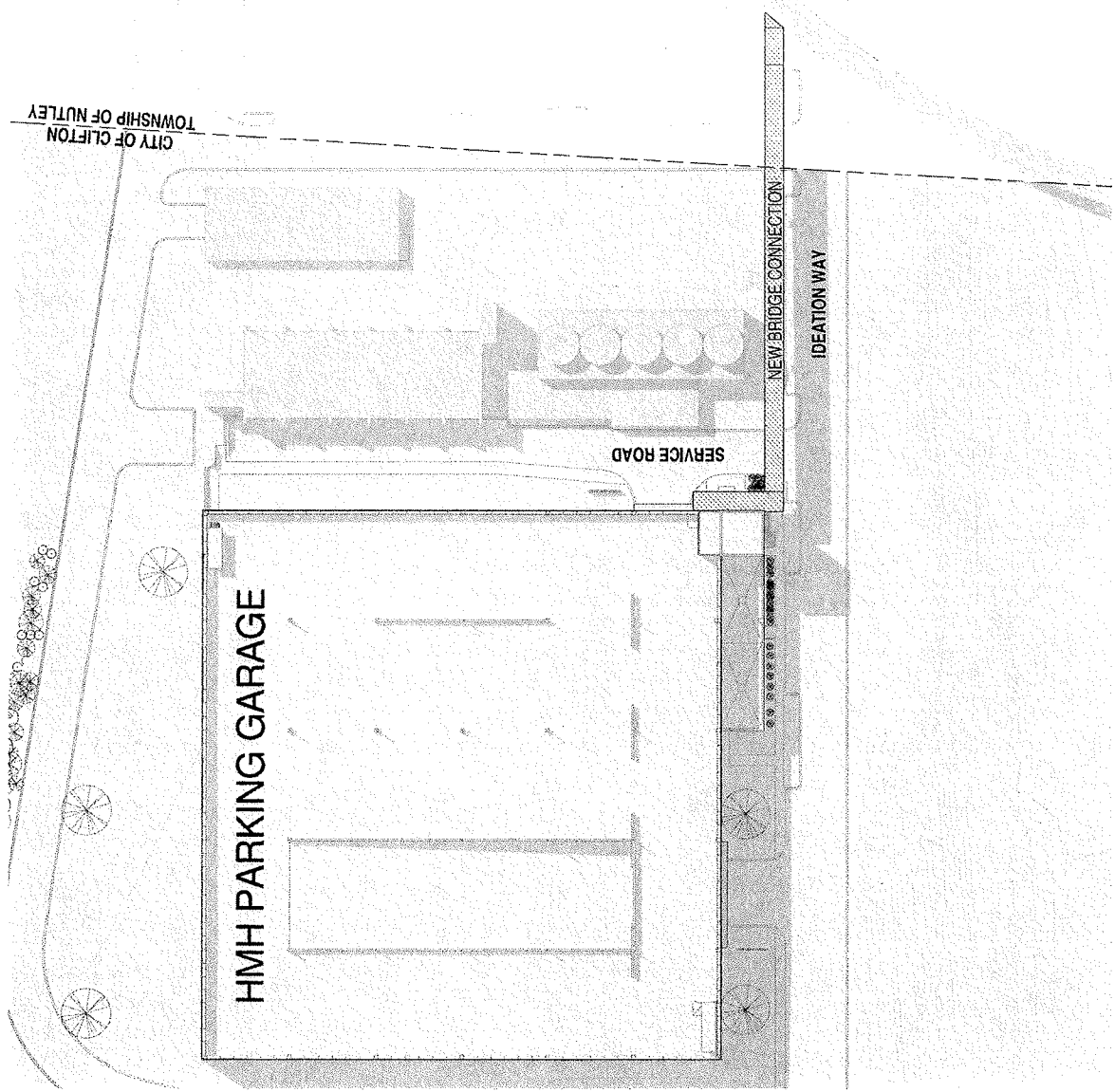
By:  _____
Mauro Tucci, Mayor

EXHIBIT A

Plans for Walkway



BRIDGE AREA	
CLIFTON:	2,425 SF
NUTLEY:	862 SF
TOTAL:	3,287 SF

SITE PLAN

[illegible]

NOTES:

1. ALL DIMENSIONS ARE IN FEET AND INCHES. DIMENSIONS ARE GIVEN IN FEET AND INCHES. DIMENSIONS ARE GIVEN IN FEET AND INCHES.
2. ALL DIMENSIONS ARE IN FEET AND INCHES. DIMENSIONS ARE GIVEN IN FEET AND INCHES. DIMENSIONS ARE GIVEN IN FEET AND INCHES.
3. ALL DIMENSIONS ARE IN FEET AND INCHES. DIMENSIONS ARE GIVEN IN FEET AND INCHES. DIMENSIONS ARE GIVEN IN FEET AND INCHES.
4. ALL DIMENSIONS ARE IN FEET AND INCHES. DIMENSIONS ARE GIVEN IN FEET AND INCHES. DIMENSIONS ARE GIVEN IN FEET AND INCHES.
5. ALL DIMENSIONS ARE IN FEET AND INCHES. DIMENSIONS ARE GIVEN IN FEET AND INCHES. DIMENSIONS ARE GIVEN IN FEET AND INCHES.
6. ALL DIMENSIONS ARE IN FEET AND INCHES. DIMENSIONS ARE GIVEN IN FEET AND INCHES. DIMENSIONS ARE GIVEN IN FEET AND INCHES.
7. ALL DIMENSIONS ARE IN FEET AND INCHES. DIMENSIONS ARE GIVEN IN FEET AND INCHES. DIMENSIONS ARE GIVEN IN FEET AND INCHES.
8. ALL DIMENSIONS ARE IN FEET AND INCHES. DIMENSIONS ARE GIVEN IN FEET AND INCHES. DIMENSIONS ARE GIVEN IN FEET AND INCHES.
9. ALL DIMENSIONS ARE IN FEET AND INCHES. DIMENSIONS ARE GIVEN IN FEET AND INCHES. DIMENSIONS ARE GIVEN IN FEET AND INCHES.
10. ALL DIMENSIONS ARE IN FEET AND INCHES. DIMENSIONS ARE GIVEN IN FEET AND INCHES. DIMENSIONS ARE GIVEN IN FEET AND INCHES.

PROJECT INFORMATION:

Project Name: IDEATION WAY
 IDEATION WAY
 CLIFTON & NUTLEY, NEW JERSEY

Building Owner: PB NUTCLIFF
 c/o PRISM CAPITAL PARTNERS
 200 BROADWAY DR. BLOOMFIELD, NJ
 07003-4000
 973.641.1111

Architect: AZTEC ARCHITECTS, LLC
 343 THORNALL STREET
 EDISON, NEW JERSEY 08837
 732.221.2222

City of Clifton: BLOCK 9802
 TOWNSHIP OF NUTLEY: BLOCK 300
 LOT 1 & 105

Bridge Elevation: NUTLEY PLANNING BOARD SUBMISSION

BRIDGE ELEVATIONS

NUTLEY PLANNING BOARD SUBMISSION

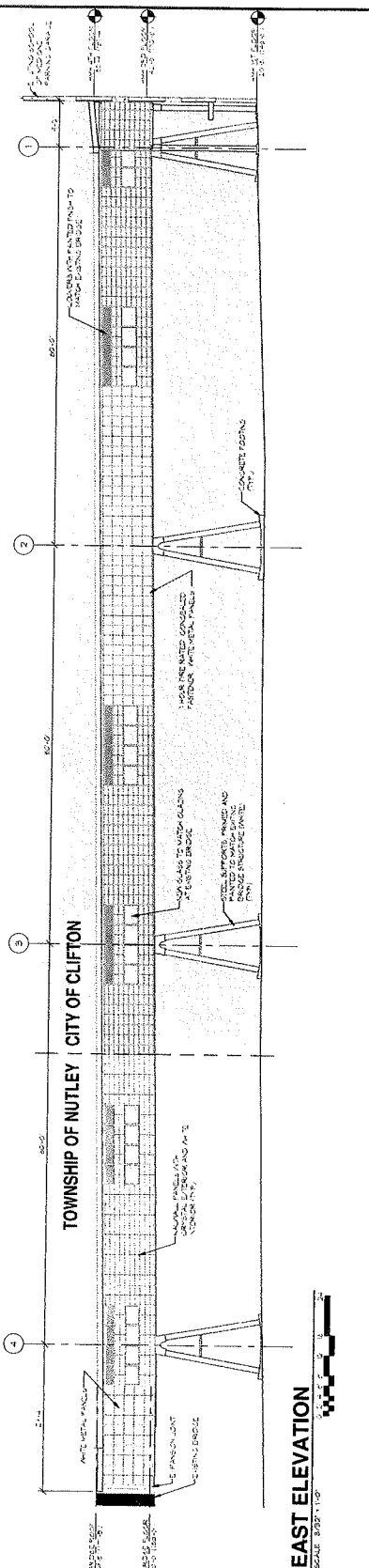
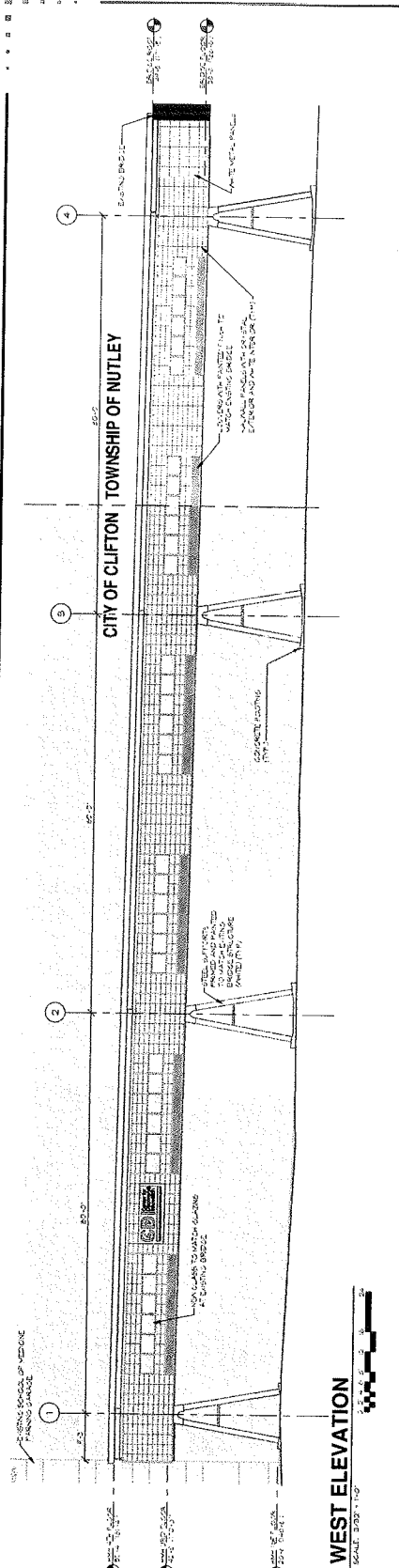
CITY OF CLIFTON: BLOCK 9802
 TOWNSHIP OF NUTLEY: BLOCK 300
 LOT 1 & 105

Issue Nutley Board of Commissioners
 08/14/2020

Scale: 1/8" = 1'-0"

Drawn By: [Signature]
 Checked By: [Signature]
 Date: 08/14/2020

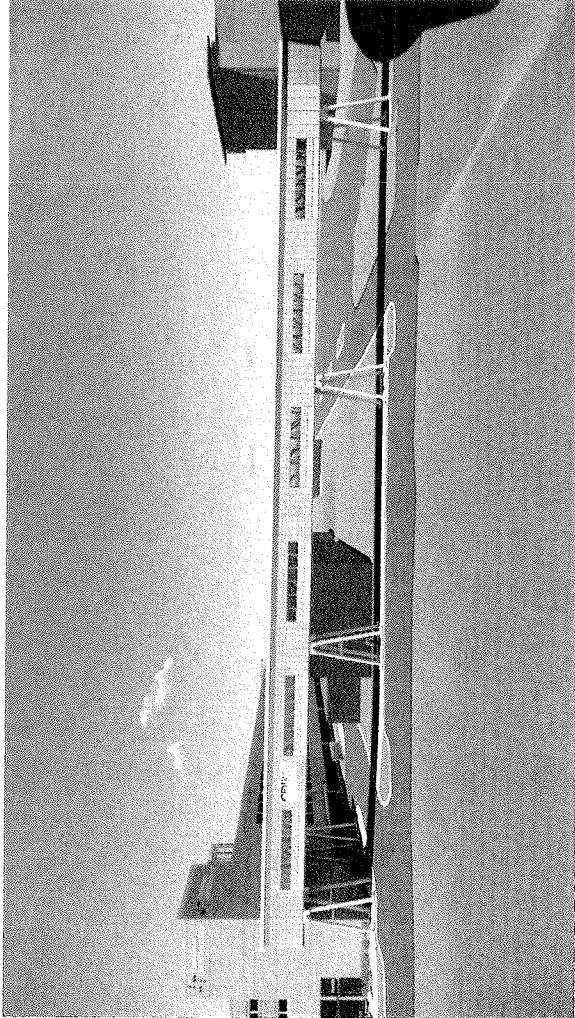
EL-N120.1





RENDERING 1 - FROM IDEATION WAY

NTS



RENDERING 2 - WEST ELEVATION

NTS

PROFESSIONAL SEAL I, the undersigned, being a duly licensed Professional Engineer in the State of New Jersey, do hereby certify that I am the author of the design and content of the foregoing drawings and specifications, and that I am a duly licensed Professional Engineer in the State of New Jersey. Date: 08/14/2020 Signature: [Signature] Title: Professional Engineer No. 123456789 Exp. Date: 08/14/2023		ARTIST'S SEAL I, the undersigned, being a duly licensed Architect in the State of New Jersey, do hereby certify that I am the author of the design and content of the foregoing drawings and specifications, and that I am a duly licensed Architect in the State of New Jersey. Date: 08/14/2020 Signature: [Signature] Title: Architect No. 123456789 Exp. Date: 08/14/2023	
PROJECT INFORMATION Project Name: IDEATION WAY Location: CLIFTON & NUTLEY, NEW JERSEY Building Owner: PB NUTLEY Client: C/O PRISM CAPITAL PARTNERS 230 BROADWAY DR. BLOOMFIELD, NJ Architect: ARTIST ARCHITECTS, LLC 343 THORNALL STREET EDISON, NEW JERSEY 08837 Drawing Title/Type: NUTLEY PLANNING BOARD SUBMISSION Scale: 1/8" = 1'-0"			
REVISIONS No. Description 1. Issue for Planning Board Submission 2. Revise to show final design 3. Revise to show final design			
APPROVALS City of Clifton: [Signature] Township of Nutley: [Signature] Board of Commissioners: [Signature] Date: 08/14/2020			
NOTES 1. All dimensions are in feet and inches. 2. All materials are to be of the highest quality. 3. All work is to be done in accordance with the latest edition of the International Building Code.			