

RESOLUTION R:217-2023

RESOLUTION OF THE TOWNSHIP OF MONROE AUTHORIZING AND APPROVING THE ASSIGNMENT AND TRANSFER OF THE REDEVELOPMENT AGREEMENT TO EQUALS ENERGY ONE, LLC AND THE CONSENT OF THE ASSIGNMENT OF THE LEASE AGREEMENT TO NJR CLEAN ENERGY VENTURES III CORPORATION MONROE-SICKLERVILLE ROAD LF SOLAR, LLC RELATING TO THE LANDFILL SOLAR REDEVELOPMENT PROJECT

WHEREAS, the Township of Monroe previously requested the Township Planning Board (the "Planning Board") to determine whether certain real property located within the Township and referred to as the "Redevelopment Area" constitutes an "area in need of redevelopment" pursuant to the provisions of the Redevelopment Law; and

WHEREAS, the Planning Board, pursuant to Resolution No. PB 12-2019, duly approved on February 14, 2019, determined that the real property located within the Redevelopment Area is an area in need of redevelopment and that redevelopment of such area is a public purpose benefiting the residents and businesses located within the Township; and

WHEREAS, the Township of Monroe, pursuant to Resolution No. R:89-2019, duly approved on March 11, 2019, confirmed the Planning Board's determination that the real property located within the Redevelopment Area is an area in need of redevelopment; and

WHEREAS, pursuant to the provisions of the Redevelopment Law, on May 28, 2019, the Township Council of the Township of Monroe adopted Ordinance No. O:20-2019, adopting the Redevelopment Plan for the redevelopment of the Redevelopment Area (the "Redevelopment Plan"); and

WHEREAS, the Township of Monroe is presently the owner of certain parcels of real property located within the Redevelopment Area, identified as Block 901, Lots 2 and 3, on the official Tax Map of the Township of Monroe, County of Gloucester, State of New Jersey (collectively, the "Project Site" or "Leased Property"); and

WHEREAS, the Township of Monroe has determined to affect the redevelopment of the Redevelopment Area through the selection of a redeveloper who shall be responsible for construction of a Solar Facility, and associated site improvements, thereon; and

WHEREAS, the Township of Monroe previously designated Monroe-Sicklerville Road LF Solar, LLC, a wholly owned company of Trina Solar US Development, LLC, as the Redeveloper with respect to the development of the Project Site providing for the approval, construction, operation and maintenance of a Solar Facility of between 2-3+ Megawatts (mW) DC Nameplate Capacity ballast system at the Project Site (the "Project"); and

WHEREAS, the Township of Monroe pursuant to Resolution No. R:41-2020 duly approved on January 27, 2020 and authorized the execution of the Redevelopment Agreement, Solar Lease and Solar Power Purchase Agreement between the Township of Monroe and Monroe-Sicklerville Road LF Solar, LLC; and

WHEREAS, the Township of Monroe pursuant to Resolution No. R:216-2023 duly approved on August 28, 2023 authorized the termination of the Power Purchase Agreement and amendment of the Redevelopment Agreement; and

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WHEREAS, the Trina Solar, by separate agreement, has transferred and assigned one hundred percent of the ownership and membership interests in Monroe-Sicklerville Road LF Solar, LLC, as the Redeveloper with respect to the development of the Project Site providing for the approval, construction, operation and maintenance of a Solar Facility of between 2-3+ Megawatts (mW) DC Nameplate Capacity ballast system at the Project Site (the “Project”), to Equals Energy One, LLC, a New Jersey limited liability company; and

WHEREAS, Equals Energy One, LLC has formally requested that the Township consent and approve the transfer and assignment of the Redevelopment Agreement and Lease Agreement to Equals Energy One, LLC in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-9, with respect to the development of the Project Site providing for the approval, construction, operation and maintenance of a Solar Facility of between 2-3+ Megawatts (mW) DC Nameplate Capacity ballast system at the Project Site (the “Project”); and

WHEREAS, Monroe-Sicklerville Road LF Solar, LLC additionally has formally requested that the Township consent and approve the transfer and assignment of the Lease Agreement to NJR Clean Energy Ventures III Corporation (or its designee), in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-9, for the purposes to construct, own and operate of the Solar Facility for the Term of the Lease; and

WHEREAS, the Township finds that it is in the best interest of the Township to consent to the transfer and assignment of the Lease Agreement to NJR Clean Energy Ventures III Corporation; and

WHEREAS, the Township determined that it is necessary to amend the Redevelopment Agreement and Lease Agreement in order to advance the Solar Project.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Monroe, County of Gloucester and State of New Jersey, as follows:

1. The Township Council of the Township of Monroe hereby consents and approves the transfer and assignment of Trina Solar’s one hundred percent ownership interest in the Monroe-Sicklerville Road LF Solar, LLC to Equals Energy One, LLC.
2. The Township Council of the Township of Monroe hereby consents and approves the transfer and assignment of the Monroe-Sicklerville Road LF Solar, LLC’s Lease Agreement to NJR Clean Energy Ventures III Corporation or a designee owned or controlled by NJR Clean Energy Ventures III Corporation.
3. The Township is hereby authorized the Mayor or Business Administrator to execute such amendments, agreements, assignments, consents, and other documents necessary or appropriate to effectuate the foregoing resolutions and the redevelopment of the Project Site pursuant to the Redevelopment Agreement, as amended by the foregoing resolutions.

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ADOPTED at a meeting of the Township Council of the Township of Monroe on August 28, 2023.

TOWNSHIP OF MONROE

CNCL. PRES. CAROLANN FOX

ATTEST:

**Twp. Clerk, Aileen Chiselko, RMC
or Deputy Clerk, Jennifer Harbison, RMC**

CERTIFICATION OF CLERK

The foregoing Resolution was duly adopted at a meeting of the Township Council of the Township of Monroe, County of Gloucester, State of New Jersey, held on the 28th day of August 2023 in the Municipal Complex located at 125 Virginia Avenue, Williamstown, New Jersey.

**Twp. Clerk, Aileen Chiselko, RMC
or Deputy Clerk, Jennifer Harbison, RMC**

ROLL CALL VOTE

	AYES	NAYS	ABSTAIN	ABSENT
Cncl. Adams				
Cncl. Garbowski				
Cncl. Heverly				
Cncl. McKinney				
Cncl. O'Reilly				
Cncl. Valcourt				
Cncl. Pres. Fox				
Tally:				