RESOLUTION R:218-2023

RESOLUTION OF THE TOWNSHIP OF MONROE AUTHORIZING AND APPROVING THE EXECUTION OF THE TERMINATION OF MEMORANDUM OF LEASE, THE REVISED MEMORANDUM OF LEASE, THE ESTOPPEL CERTIFICATION AND ACCEPTING ADDITIONAL REIMBURSEMENT FOR THE TOWNSHIP LANDFILL CLOSURE EXPENSES 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 Tenant, to address title concerns and other considerations, has requested that the Township approve the Termination of Memorandum of Lease filed by Trina Solar, document dated January 31, 2020, recorded at the County Clerk's Office in Deed Book 6475, Page 205, Docket No. 00027293 and authorizing the execution of the Termination of Memorandum of Lease, provided to the Township for careful consideration; and

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RESOLUTION OF THE TOWNSHIP OF MONROE AUTHORIZING AND APPROVING THE EXECUTION OF THE TERMINATION OF MEMORANDUM OF LEASE, THE REVISED MEMORANDUM OF LEASE, THE ESTOPPEL CERTIFICATION AND ACCEPTING ADDITIONAL REIMBURSEMENT FOR THE TOWNSHIP LANDFILL CLOSURE EXPENSES RELATING TO THE LANDFILL SOLAR REDEVELOPMENT PROJECT

WHEREAS, the Tenant, for banking and other considerations, has requested that the Township approve and authorizing the execution of the revised Memorandum of Lease, with NJR Clean Energy Ventures III Corporation as counter-party and an Estoppel Certification, both of which have been provided to the Township for careful consideration; and

WHEREAS, the Redeveloper has agreed to provide additional compensation to the Township and pay an additional $50,000.00 at the time of Commercial Operation to further reimburse the Township for the Township's Landfill Closure expenses; and

WHEREAS, it is necessary to amend the Redevelopment Agreement and Lease Agreement to accept the additional reimbursement; 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

WHEREAS, the Township of Monroe pursuant to Resolution No. R:217-2023 duly approved on August 28, 2023 authorized the Transfer and Assignments of the Redevelopment and Lease Agreements.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Monroe, County of Gloucester and State of New Jersey, authorized to execute such documents and agreements in furtherance of the Monroe-Sicklerville Road LF Solar project, including but not limited to the following:

1. The Mayor and Business Administrator are hereby authorized to execute the documents and agreements related to the Monroe-Sicklerville Road LF Solar Project listed below:

   A. The Termination of Memorandum of Lease
   B. The Revised Memorandum of Lease
   C. The Estoppel Certificate

2. The Township accepts the additional $50,000.00 from the Redeveloper due upon the Commercial Operation Date, Redeveloper shall pay Township Fifty Thousand Dollars ($50,000.00) as additional reimbursement for costs and expenses incurred by the Township related to the formal closure of the Sanitary Landfill Facility as evidenced by DEP documentation confirming such closure.

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

RESOLUTION R:218-2023

RESOLUTION OF THE TOWNSHIP OF MONROE AUTHORIZING AND APPROVING THE EXECUTION OF THE TERMINATION OF MEMORANDUM OF LEASE, THE REVISED MEMORANDUM OF LEASE, THE ESTOPPEL CERTIFICATION AND ACCEPTING ADDITIONAL REIMBURSEMENT FOR THE TOWNSHIP LANDFILL CLOSURE EXPENSES RELATING TO THE LANDFILL SOLAR REDEVELOPMENT PROJECT

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.

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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:				