

Resolution Amending a Shared Services Agreement with the City of Camden in Connection with the Construction of the Fleet Replacement Garage (Building Project) and Access Road Project on Block 327, Lots 28-33, 35 – 37, 52 & 53 of the City of Camden Tax Map in the Gateway Redevelopment Area to Extend the Deadline for Completion of the Building Project Due to COVID-19 Health Epidemic

WHEREAS, the City of Camden Redevelopment Agency (CRA) is charged with the duty of redevelopment throughout the City of Camden; and

WHEREAS, by Resolution 08-12-15F, and with the consent of Campbell Soup Company (“CSC”) the CRA approved Brandywine Operating Partnership, L.P. (“Brandywine”) as the Sub-Redeveloper of Block 1458, Lots 8 & 12 (the “Block 1458 Properties”) and authorized the Agency to enter into a sub-redevelopment agreement dated December 3, 2015 with the Redeveloper for a redevelopment project for these properties (the “Sub-Redevelopment Agreement; and

WHEREAS, the redevelopment projects that are included in the above designations are for the development of the Subaru Headquarters and the Subaru Training Facility; and

WHEREAS, the City of Camden was operating the Fleet Garage on all or part of the Block 1458 Properties, which required the relocation of these operations in order for the Sub-Redeveloper to move ahead with its redevelopment Projects; and

WHEREAS, the Sub-Redevelopment Agreement for these projects, dated December 3, 2015, between the CRA and Brandywine at Section 33(b) obligates the Sub-Redeveloper to provide a permanent replacement facility for the City of Camden Fleet Garage formerly located on Wright Avenue along with related parking and improvements (the “Replacement Facilities Obligations”); and

WHEREAS, CRA by Resolution # 11-14-18E approved Brandywine’s proposal to assign the Replacement Facilities Obligation to Cooper’s Ferry Partnership (“CFP”) and authorized the execution of an Agreement dated December 21, 2018 among the CRA, Brandywine, and CFP (the Assignment Agreement”); and

WHEREAS, CFP under the terms of the Assignment Agreement, is responsible for the build-out of a new Fleet Garage on city-owned land located on Block 357, Lots 28-33, 35 – 37, 52 & 53 of the City of Camden Tax Map and the turn-key delivery of the new Fleet Garage Facility to the City by a December 21, 2020 deadline for completion (the “Building Project”); and

WHEREAS, CRA by Resolution # 11-14-18E executed a Shared Services Agreement with the City of Camden dated March 7, 2019 wherein the City approved of the Assignment Agreement and further agreed to be responsible for the constructing the off-site access road improvements leading to the site of the Building Project; and

08-12-20A (cont'd)

WHEREAS, CRA, acting on the City's behalf, established a Road Project Escrow Account with the consent of Brandywine for the use of excess funds from a Brandywine environmental escrow fund that are to be disbursed to the City during the course of the construction of the access road improvements (the "Road Project"); and

WHEREAS, on March 9, 2020, due to the outbreak of the coronavirus (COVID-19) epidemic and in order to protect the health, safety and welfare of the people of New Jersey, New Jersey Governor Philip Murphy, signed Executive Order No. 103, declaring a Public Health Emergency and State of Emergency in the State of New Jersey.

WHEREAS, CRA on or about March 23, 2020, was issued notice by CFP requesting an extension of the December 21, 2020 deadline to complete the Building Project to June 19, 2021, pursuant to the force majeure provisions of the Sub-Redevelopment Agreement due to the impacts of COVID-19; and

WHEREAS, CRA, CFP, and Brandywine consent to amend the Assignment Agreement and a related building escrow agreement to extend the date for completion of the Building Project to June 19, 2021 or such later date as needed due to the continuation of the COVID-19 epidemic; and

WHEREAS, CRA and the City wish to amend the terms of the Shared Services Agreement to acknowledge the extension of the deadline to complete the Building Project to June 19, 2021 or to such later date approved by the CRA as needed due to the continuation of the COVID-19 epidemic.

NOW THEREFORE BE IT RESOLVED by the governing body of the City of Camden Redevelopment Agency, that the Interim Executive Director, a duly authorized representative of the Agency is hereby authorized and directed to execute an amendment to the Shared Services Agreement with the City of Camden dated March 7, 2019 to provide for the extension of the deadline to complete the Building Project to June 19, 2021 or to such later date approved by the CRA as needed due to the continuation of the COVID-19 epidemic; and

BE IT FURTHER RESOLVED, that the amendment to the Shared Services Agreement also provide the Agreement shall terminate upon the 1) completion of the Building Project, 2) the completion of the Access Road Project, and 3) the release of any excess funds from the Road Project Escrow Account to the City of Camden whichever event occurs later in time; and

BE IT FURTHER RESOLVED, that all other provisions of the Shared Services Agreement shall remain in full force; and

BE IT FURTHER RESOLVED, that the interim Executive Director, or her designee, is authorized and directed to take all actions and execute all documents necessary to carry out the purposes of this resolution.

08-12-20A (cont'd)

ON MOTION OF: Gilbert Harden, Sr.

SECONDED BY: Ian K. Leonard

COMMISSIONER	AYES	NAYS	ABSTENTIONS
Derek Davis	X		
Gilbert Harden, Sr.	X		
Ian K. Leonard	X		
Jose Javier Ramos	X		
Maria Sharma	X		
Marilyn Torres			X

Marilyn Torres

Marilyn Torres
Chairperson

ATTEST:



Olivette Simpson
Interim Executive Director

The above has been reviewed and approved as to form.

Mark P. Asselta

Mark P. Asselta, Esq.
Board Counsel