



UNION COUNTY IMPROVEMENT AUTHORITY

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Resolution No. 57-2017

Date: August 24, 2017

RESOLUTION OF THE UNION COUNTY IMPROVEMENT AUTHORITY AUTHORIZING THE UCIA TO ENTER INTO A SETTLEMENT AGREEMENT WITH THE CITY OF LINDEN REGARDING THE MORNINGSTAR PROJECT

APPROVED AS TO FORM:
Lisa M. da Silva, RMC
Clerk of the Authority

APPROVED AS TO SUFFICIENCY OF FUNDS
[] YES [] NO [x] NONE REQUIRED
UNION COUNTY IMPROVEMENT AUTHORITY

Lisa M. da Silva

[Signature]

	PRESENT	ABSENT	AYE	NAY	ABSTAIN	MOTION	SECOND
<i>Bornstad, Treasurer</i>	X		X				
<i>D'Elia</i>		X					
<i>Hockaday</i>	X		X				
<i>Huff</i>		X					
<i>Lattimore</i>	X		X				X
<i>Salerno, Secretary</i>		X					
<i>Szpond</i>	X		X				
<i>Rountree, Vice Chairwoman</i>	X		X			X	
<i>Scutari, Chairman</i>	X		X				

**RESOLUTION OF THE UNION COUNTY IMPROVEMENT AUTHORITY
AUTHORIZING THE UCIA TO ENTER INTO A SETTLEMENT AGREEMENT WITH THE
CITY OF LINDEN REGARDING THE MORNINGSTAR PROJECT**

WHEREAS, the Union County Improvement Authority (the “Authority”) has been duly created by ordinance of the Union County Board of Chosen Freeholders as a public body corporate and politic of the State of New Jersey pursuant to and in accordance with the County Improvement Authorities Law, N.J.S.A. 40: 37A-44 et seq.; and

WHEREAS, pursuant to N.J.S.A. 40:37A-55(t), the Authority is empowered to enter into any and all agreements or contracts, execute any and all instruments, and do and perform any and all acts and things necessary, convenient or desirable for the purposes of the Authority, subject to the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, the City of Linden owes the UCIA approximately \$165,697.72 in project costs related to the St. Georges Redevelopment Area (Morningstar Project); and

WHEREAS, the Authority owes the City of Linden approximately \$162,800.43 in cell tower rent and revenue at property located at 320 St. Georges Ave which is owned by the Authority; and

WHEREAS, the City has commenced redevelopment of the Morningstar Project with a new developer; and

WHEREAS, in lieu of proceeding with litigation regarding these issues, and the City’s desire to advance the redevelopment of Saint Georges Avenue, it is the intention of the parties to enter into this pre-suit Settlement Agreement (hereinafter referred to as the “Agreement”); and

WHEREAS, the Authority and the City hereby agree to waive any and all rights to the monies owed to each other in exchange for the Authority, as part of the settlement, transferring all right title and interest in the Morningstar Project properties, as identified in Appendix A of the Settlement Agreement, which is annexed hereto and made a part hereof; and

WHEREAS, the Authority and the City desire to enter into this Agreement in order to settle the disputed monies owed each other and to avoid conflict and further expense regarding same;

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Authority as follows:

- 1) The foregoing recitals are incorporated herein as if set forth at length; and
- 2) The Executive Director is hereby authorized and directed to take any and all actions necessary to execute the Settlement Agreement; and
- 3) The Executive Director is hereby authorized to take any and all actions necessary to implement the Settlement Agreement; and
- 4) This resolution shall take effect immediately.