

CITY OF VINELAND

RESOLUTION NO. 2019- 32

RESOLUTION AUTHORIZING THE EXECUTION OF A NINTH AMENDMENT TO THE REDEVELOPMENT AND PARTICIPATION AGREEMENT BY AND BETWEEN THE CITY COUNCIL OF THE CITY OF VINELAND AS THE REDEVELOPMENT ENTITY AND LANDIS SENIOR URBAN RENEWAL PARTNERS LLC FOR PROPERTY KNOWN 3022, LOTS 3, 4, 5, 9, 10, AND 11 ON THE TAX MAP OF THE CITY OF VINELAND.

WHEREAS, the City and the Redeveloper, and or its predecessor, Hans Lampart, have executed a Redevelopment and Participation Agreement dated January 15, 2008 (Agreement), together with 8 amendments to that Agreement (collectively referred to as the Redevelopment Agreement) concerning the redevelopment of certain property within the City of Vineland, originally including, among other property, Block 3022, Lot 9 on the tax map of the City of Vineland formerly known as Block 454 Lot 8 as part of the Redevelopment Area as defined by the Redevelopment Agreement; and

WHEREAS, Hans Lampart has heretofore utilized his wholly owned New Jersey Limited Liability Company, Eastern Pacific Development LLC as the development entity as permitted in the Agreement, however has since and in accordance with the Fifth Amendment to the Agreement, assigned such rights and responsibilities to Landis Senior Urban Renewal Partners, LLC; and

WHEREAS, due to excessive costs for the acquisition of Block 3022 Lot 9 at the time of the execution of the original Redevelopment and Participation Agreement, acquisition of Lot 9 was abandoned and removed from a requirement in the Fourth Amendment to the Redevelopment Agreement; and

WHEREAS, the parties have agreed to re-include Block 3022 Lot 9 into the Redevelopment Agreement and to further add as part of the Redevelopment Agreement, Block 3022 Lots 3, 4, 5, 10 and 11 further defined as a portion of Quadrant I of the Redevelopment Agreement, presently owned by the City of Vineland; and

WHEREAS, in accordance with the Eighth Amendment to the Redevelopment and Participation Agreement 818 Properties LLC has been assigned all rights title and interest in the Redevelopment and Participation Agreement, and all amendments thereto concerning Block 3022 Lot 3, 4, 5, 9, 10, and 11; and

WHEREAS, in accordance with the Agreement, 818 Properties LLC was to complete the reconstruction of a parking lot and rehabilitation of the building specified in section 4 therein within 180 days of the execution of the Agreement; and

WHEREAS, due to inclement weather and circumstances beyond its control, 818 Properties LLC has not completed the terms and conditions of section 4 and 5 of the Agreement and has indicated the terms and conditions of section 4 of the Agreements shall be completed no later than September 30, 2019; and

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NOW THEREFORE BE IT RESOLVED by the City Council of the City of Vineland as Redevelopment Entity that Council President is authorized to execute the Ninth Amendment to the Redevelopment and Participation Agreement extending the completion date specified in section 5 of the Eighth Amendment and Participation Agreement to September 30, 2019.

Adopted:

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President of Council

ATTEST:

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City Clerk

**Ninth Amendment to the Redevelopment  
And Participation Agreement**

**THIS** Ninth Amendment to the Redevelopment and Participation Agreement (this “Amendment”) is dated the \_\_\_\_\_ day of \_\_\_\_\_, **2019**, is hereby entered into, by and between the Vineland City Council, the Governing Body of the City of Vineland (the “City”), a municipal corporation of the State of New Jersey, maintaining its principal offices at 640 E. Wood Street, Vineland, County of Cumberland, NJ 08362-1508, acting in the capacity of Redevelopment Entity pursuant to the provisions of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.*, and 818 Properties, LLC (referred to as the “Permitted Assignee”), with offices located at 1181 East Landis Avenue, Vineland, New Jersey and Hans Lampart, an individual who is jointly and severally responsible under the terms of the Redevelopment and Participation Agreement.

**WHEREAS:** The City and the Redeveloper, and or its predecessor, Hans Lampart, have executed a Redevelopment and Participation Agreement dated January 15, 2008; together with eight amendments to that Agreement (collectively referred to as the “Agreement”) concerning the redevelopment of certain property within the City of Vineland, originally including, among other property, Block 3022, Lots 9 of the tax map of the City of Vineland formerly known as Block 454, Lots 8 as part of the Redevelopment Area as defined by the Redevelopment Agreement.

**WHEREAS,** Hans Lampart has assigned the Agreement to Eastern Pacific Development LLC and thereafter Landis Senior Urban Renewal Partners, LLC as “Permitted Assignees” and have assigned as a “Permitted Assignee” the redevelopment of Block 3022 Lots 3, 4, 5, 9, 10 and 11 solely to 818 Properties LLC in accordance with the Eighth Amendment to the Redevelopment and Participation Agreement (Eighth Amendment) and the Redeveloper shall be Eastern Pacific Development LLC and Hans Lampart being jointly and severally responsible for the completion of the redevelopment of the project.

**WHEREAS,** in accordance with Paragraph 4 and 5 of the Eighth Amendment, the Permitted Assignee was to complete the reconstruction of the parking lot on Block 3022 Lots 3, 4, 5, 8 and 9 as well as the rehabilitation of the improvements on Block 3022 Lot 10 within 180 days of the execution of the Eighth Amendment.

**WHEREAS:** Due to incimate weather and other factors beyond the control of the Permitted Assignee, Redeveloper and/or Hans Lampart, although the reconstruction and remediation is substantially complete the Permitted Assignee requires additional time to complete the requirements of the Eighth Amendment at Paragraph 4 and 5.

**WHEREAS,** the City Council as Redevelopment entity acknowledges the fact that the area has experienced very rainy and incimate weather and also recognizes the substantial work that has been performed and finds that an additional period of time to complete the project is warranted.

**NOW THEREFORE,** in consideration of the premises and material representations, covenants and agreements herein set forth, and as an inducement to the City to enter into this 8<sup>th</sup> Amendment to the Redevelopment and Participation Agreement, the Parties hereto, each binding itself, its successors and assigns, do mutually promise, covenant and agree as follows:

1. Paragraph 5 of the Eighth Amendment to the Redevelopment and Participation

Agreement shall be amended by extending the date to complete the reconstruction of the parking lot on Block 3022 Lots 3, 4, 5, 8 and 9 and remediation of the improvements on Block 3022 Lot 10 until September 30, 2019 with **TIME BEING OF THE ESSENCE FOR THE COMPLETION OF THE CONSTRUCTION IN ACCORDANCE WITH THE EIGHTH AMENDMENT AS MODIFIED HEREBY.**

2. In the event that any of the provisions of this Amendment conflict with the terms of the Redevelopment Agreement the provisions of this Amendment shall control. All of the remaining provisions of the Redevelopment Agreement as modified by the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup> and 7<sup>th</sup> Amendments thereto shall remain in full force and effect.

3. This Amendment shall be binding upon the parties hereto and their respective heirs, administrators, executors, successors, and assigns. As an inducement to the City to enter into this Amendment, Hans Lampart agrees to the terms of this Amendment and to be bound thereby.

4. This Amendment may be executed in separate counterparts transmitted by facsimile or electronically, each of which is deemed to be an original and all of which taken together constitute one and the same Amendment.

5. Except as expressly provided herein to the contrary, each section, part, term or provision of this Amendment shall be considered severable. If any provision of this Amendment is for any reason ever construed or deemed to be illegal, invalid or unenforceable, the remaining provisions shall remain in full force and effect, and the legality, validity, and enforceability of such remaining provisions shall not be diminished or affected in any way.

6. Neither this Amendment nor any provision hereof may be changed, amended, modified, waived or discharged, orally or by any course of dealing, but only by an instrument in writing signed by the party against whom enforcement of the change, amendment, modification, waiver or discharge is sought.

7. As used herein, unless the context clearly indicates the contrary, the singular number shall include the plural, the plural the singular, and the use of any gender shall be applicable to all genders.

8. This Amendment is the product of joint negotiation, and represents a cooperative effort to express the intent of the parties. This Amendment has been reviewed and approved by all parties and their attorneys. Accordingly the parties agree that any ambiguity in the terms of this Amendment shall not be construed against the party drafting this Amendment.

9. The undersigned agree to the terms of this 9<sup>th</sup> Amendment to the Redevelopment and Participation Agreement modifying the terms of the Redevelopment and Participation Agreement dated January 15, 2008 as modified by the 1<sup>st</sup>, 2<sup>nd</sup>, 3<sup>rd</sup>, 4<sup>th</sup>, 5<sup>th</sup>, 6<sup>th</sup>, 7<sup>th</sup> and 8<sup>th</sup> Amendments thereto.

**WITNESS:**

**REDEVELOPERS:  
HANS LAMPART**

\_\_\_\_\_

\_\_\_\_\_  
Hans Lampart  
Execution Date: \_\_\_\_\_

**LANDIS SENIOR URBAN RENEWAL PARTNERS**

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By:  
Title:

**Eastern Pacific Development, LLC**

\_\_\_\_\_

By: \_\_\_\_\_

Name: Hans Lampart

Title: Sole Member of Eastern Pacific Development, LLC

Execution Date: \_\_\_\_\_

**818 PROPERTIES, LLC**

\_\_\_\_\_

By: \_\_\_\_\_

Name: Hans Lampart

Title: Sole Member of 818 Properties, LLC

Execution Date: \_\_\_\_\_

**WITNESS:**

**REDEVELOPMENT ENTITY**

**THE CITY OF VINELAND, by its Governing  
Body, VINELAND CITY COUNCIL**

\_\_\_\_\_

By: \_\_\_\_\_

Name: Paul Spinelli

Title: President, Vineland City Council

Execution Date: \_\_\_\_\_