

FIRST AMENDMENT TO REDEVELOPMENT AGREEMENT

THIS FIRST AMENDMENT TO REDEVELOPMENT AGREEMENT (referred to herein as the "Amendment"), dated as of October 14, 2024, by and between the **BOROUGH OF DUNELLEN**, a municipal corporation of the State of New Jersey with offices at 355 North Avenue, Dunellen, New Jersey 08812, and its permitted successors and assigns (the "Borough"), acting in the capacity of a redevelopment entity pursuant to the provisions of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.*, as amended and supplemented (the "Redevelopment Law"), and **DUNELLEN RESCUE SQUAD, INC.**, a New Jersey not for profit corporation, and its permitted successors and assigns, with offices at 415 North Avenue, Dunellen, New Jersey 08812 (the "Redeveloper"; each a "Party" and, together with the Borough, the "Parties").

RECITALS:

WHEREAS, the Borough and Redeveloper are parties to that certain Redevelopment Agreement dated as of August 29, 2023 (the "Redevelopment Agreement") in connection with that certain real property known and identified on the official tax maps of the Borough as Block 49, Lot 29 (the "Property");

WHEREAS, pursuant to the Redevelopment Agreement, Redeveloper proposes to construct a three-story building, including but not limited to, garage bays, decontamination area, bathrooms, oxygen tank fill area, supply storage, classroom space, offices, kitchen area, and long-term bunk units (the "Project") on the Property;

WHEREAS, pursuant to Section 3.3 of the Redevelopment Agreement, Redeveloper is obligated to submit its conceptual design and elevations of the Project to the Borough within forty-five (45) days of August 29, 2023 (the Effective Date) and if approved, such plans will be deemed the Approved Concept Plan;

WHEREAS, pursuant to the same section, the Parties are obligated to enter into an amendment to the Redevelopment Agreement incorporating the Approved Concept Plan as an exhibit thereto;

WHEREAS, Redeveloper submitted its conceptual design and elevations of the Project to the Borough;

WHEREAS, on December 4, 2023 the Borough Council adopted a resolution entitled "RESOLUTION OF THE BOROUGH OF DUNELLEN, COUNTY OF MIDDLESEX, STATE OF NEW JERSEY APPROVING CONCEPT PLAN IN CONNECTION WITH THE REDEVELOPMENT AGREEMENT BY AND BETWEEN THE BOROUGH OF DUNELLEN AND DUNELLEN RESCUE SQUAD, INC." approving the concept plan submitted by the Redeveloper thereby deeming same the Approved Concept Plan;

WHEREAS, the Parties are now obligated to enter into an amendment to the Redevelopment Agreement incorporating the Approved Concept Plan;

WHEREAS, pursuant to Section 2.11 of the Redevelopment Agreement, Borough is required within seventy-five (75) days of the Amendment, to diligently and in good faith

consider an amendment to the Redevelopment Plan as required to permit the Project to proceed as-of right;

WHEREAS, the Borough has concluded that the proposed use of the Project is permitted under the Redevelopment Plan and an amendment to same is not required;

WHEREAS, certain obligations set forth in the Project Schedule (Exhibit C to the Redevelopment Agreement) are contingent on the Borough's adoption of the Redevelopment Plan Amendment;

WHEREAS, to mitigate confusion and replace indefinite completion dates to tasks listed in the Project Schedule, Redeveloper and Borough agree to revise same;

WHEREAS, the Borough and the Redeveloper agree that the Redevelopment Agreement should be amended for the reasons set forth above; and

WHEREAS, in accordance with the Redevelopment Law, the Parties wish to amend the Redevelopment Agreement as set forth in their agreement with respect to the above.

NOW, THEREFORE, for and in consideration of the mutual promises, representations, covenants and agreements contained herein and the undertakings of each Party to the other and such other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties, intending to be legally bound hereby and to bind their successors and assigns, do mutually promise, covenant and agree as follows:

1. All defined terms not defined herein shall have the meanings as set forth in the Redevelopment Agreement.

2. Section 1.2 to the Redevelopment Agreement is hereby amended by deleting the definition "**Milestone**" in its entirety.

3. **Exhibit B** to the Redevelopment Agreement shall be replaced by **Exhibit B** attached to this Amendment.

4. **Exhibit C** to the Redevelopment Agreement shall be replaced by **Exhibit C** attached to this Amendment.

5. The Parties acknowledge and agree that the Redevelopment Agreement is in full force and effect and enforceable in accordance with its terms and that there are no uncured defaults, breaches, or events of default by the Redeveloper in the Redevelopment Agreement in the observance or performance of any of its obligations, and no facts or circumstances known to the Parties which would, with the passage of time or the delivery of notice, or both, constitute a default, breach, or event of default thereunder.

6. This Amendment may be simultaneously executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, the Parties have caused this Amendment to be executed, all as of the date first above written.

ATTEST:

By: Lauren Staats
Lauren Staats, Borough Clerk

BOROUGH OF DUNELLEN

By: Jason F. Cilento
Jason F. Cilento, Mayor

WITNESS:

REDEVELOPER:

DUNELLEN RESCUE SQUAD, INC.,
a New Jersey not for profit company

By: _____
Name: Daniel Pickett
Title: President

IN WITNESS WHEREOF, the Parties have caused this Amendment to be executed, all as of the date first above written.

ATTEST:

BOROUGH OF DUNELLEN

By: _____
Lauren Staats, Borough Clerk

By: _____
Jason F. Cilento, Mayor

WITNESS:



REDEVELOPER:

DUNELLEN RESCUE SQUAD, INC.,
a New Jersey not for profit company

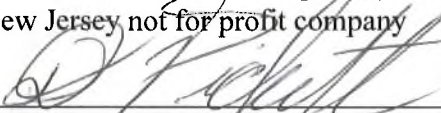
By: _____

Name: Daniel Pickett
Title: President

EXHIBIT B

APPROVED CONCEPT PLAN

[ATTACHED]

DUNELLEN RESCUE SQUAD
BOUND BROOK ROAD, LOT 27.01 DUNELLEN,
NEW JERSEY 08812

PROJECT TEAM

CIVIL ENGINEERING

STRUCTURAL ENGINEERING

MEP ENGINEERING



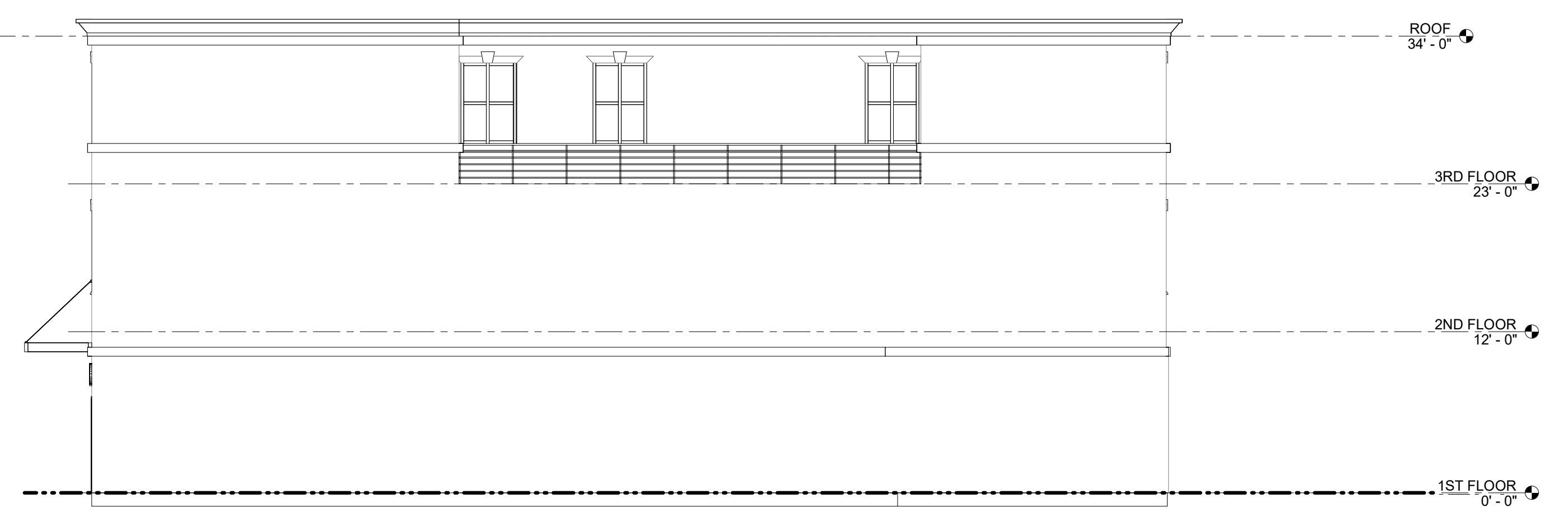
1 North
SCALE: 1/8" = 1'-0"



3 East
SCALE: 1/8" = 1'-0"




2 South
SCALE: 1/8" = 1'-0"



4 West
SCALE: 1/8" = 1'-0"

SUB.	DESCRIPTION	DATE

NOT
FOR
CONSTRUCTION



BRIAN M. TAYLOR, AIA NJ REG. AI 15286

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THIS DRAWING IS INCOMPLETE UNLESS USED WITH ALL OTHER CONTRACT DOCUMENTS

ISSUED FOR:
CLIENT REVIEW

DATE	10/18/23	PROJECT NO.	2289
DRAWN BY	KT	CHECKED BY	BMT

SHEET TITLE
ELEVATIONS

DRAWING NUMBER
A2.201

EXHIBIT C

PROJECT SCHEDULE

	<i>Task</i>	<i>Completion Date</i>
1	Redeveloper and Borough execute Redevelopment Agreement.	August 29, 2023
2.	Redeveloper submits conceptual design and elevations to Borough pursuant to Section 3.3	October 13, 2023
3.	Borough Council approval of the concept plan submitted by Redeveloper	December 4, 2023
4.	Redeveloper submits Preliminary Site Plan to Borough Council pursuant to Section 3.2	Within 120 days of the execution by the parties of the First Amendment to Redevelopment Agreement
5.	Redeveloper submits Preliminary/Final Site Plan Application to Planning Board	Within 150 days of the execution by the parties of the First Amendment to Redevelopment Agreement
6.	Redeveloper submits remaining Governmental Applications for Project.	Within 90 days after receipt of Site Plan approval
7.	Redeveloper's receipt of all Governmental Approvals for Project excluding building permits	Within 90 days following Site Plan approval from Planning Board, with maximum of two 30-day extensions if necessary to satisfy conditions of approval
8.	Submit construction plans for building permits	The later of 60 days following (a) issuance of the Seller's Pre-Closing Environmental Certification or (b) receipt of all Governmental Approvals
9.	Redeveloper receives Construction Loan Commitment for Project, if applicable	Within 90 days after receipt of all Governmental Approvals
10.	Commencement of Construction	Within 60 days from issuance of the first building permit by Borough
11.	Completion of Construction	Within 60 months from issuance of the first building permit by Borough