

RESOLUTION NO. 2023-217\_\_\_\_\_

**RESOLUTION AUTHORIZING THE EXECUTION OF A MUTUAL RELEASE AND DISCHARGE BY AND BETWEEN THE COUNTY OF CUMBERLAND, CUMBERLAND COUNTY IMPROVEMENT AUTHORITY AND CITY OF VINELAND FOR THE FINALIZATION OF THE BURNS AVENUE EXTENSION**

**WHEREAS**, on August 27, 2019, the County of Cumberland (County), Cumberland County Improvement Authority (CCIA) and the City of Vineland (City) entered into a Multi-Party Agreement for the expansion of Burns Avenue from Lincoln Avenue to Main Road in the City of Vineland to further the Energy and Minerals Redevelopment Project and to provide better flow of freight traffic at the intersection of Main and Burns Avenues (Burns Avenue Extension) as further outlined in the Multi Party Agreement; and

**WHEREAS**, the City and County both have vested interests in the development of the Burns Avenue Extension Project, the intersection being controlled by the County; and

**WHEREAS**, the Multi Party Agreement specified that there were limited funds available for the Burns Avenue Extension which was based upon estimated costs for soft costs, construction costs and land acquisition costs; and

**WHEREAS**, the County began condemnation of certain lands necessary for the Burns Avenue Extension which was based upon appraisals obtained, however during the condemnation proceeding, subsequent appraisals were presented by the landowner who was the subject of the condemnation proceeding which increased the amount of the funds necessary to complete the Burns Avenue Extension Project and the parties began negotiations regarding the needed funds to complete the Project;

**WHEREAS**, the Parties have agreed upon the division of the additional costs necessary to complete the Project with the County and City each increasing their contributions equally in the amount of \$156,361.52; and

**WHEREAS**, the City Council finds it to be in the best interest of the City to contribute the additional \$156,361.52 as the Project will enhance the economic development of the Lincoln Avenue corridor, provide City and County jobs and tax ratables; and

**WHEREAS**, the CFO has certified the availability of funds.

**NOW THEREFORE BE IT RESOLVED** that the City shall pay the total amount of \$403,908.48 plus the additional \$156,361.52 to the Law Firm of Bathgate, Wegener & Wolf, P.C. and the sum of \$54,174.78 to the Cumberland County Improvement Authority in accordance with the Mutual Release and Discharge as attached hereto and made a part hereof.

**BE IT FURTHER RESOLVED** by the Council of the City of Vineland that the Mayor and Clerk are authorized to execute a Mutual Release and Discharge by and between the City of Vineland, County of Cumberland and Cumberland County Improvement Authority in the form and substance as attached hereto and made a part hereof.

Adopted:

\_\_\_\_\_  
President of Council

ATTEST:

\_\_\_\_\_  
City Clerk

## MUTUAL RELEASE AND DISCHARGE

This mutual release, entered into on May 2023, between the County of Cumberland (County) with offices located at 164 West Broad Street, Bridgeton, New Jersey, Cumberland County Improvement Authority (CCIA) with offices located at 745 Lebanon Road, Millville, New Jersey and City of Vineland with offices located at 640 East Wood Street, Vineland, New Jersey (collectively Parties) is intended by the parties to this release to effect the extinguishment of obligations, as designated below.

With reference to that certain Multi-Party Agreement (Agreement) dated August 27, 2019 between the Parties for the expansion of Burns Avenue in the City of Vineland for which disputes and differences have arisen between the Parties, who, in order to settle them, execute this mutual release.

In consideration of the mutual relinquishment of their respective legal rights with reference to the disputes and in consideration of the execution of this mutual release and of the payment of the sum of One (\$1.00) Dollar by each party to the other, the Parties agree as follows:

1. The City of Vineland shall contribute the sum of \$458,083.26 towards the balance due for the completion of the Burns Avenue extension which shall include any monies due for land acquisition, soft costs, CCIA fees, construction costs and legal fees. Said amount shall be paid as follows: \$403,908.48 to be paid to Bathgate, Wegener & Wolf, P.C. as attorneys for MCM for distribution in accordance with the Burns Avenue development summary and \$54,174.78 to be paid to the CCIA for reimbursement of monies due in accordance with the Agreement.

2. The County shall contribute the sum of \$156,361.52 towards the balance due for the completion of the Burns Avenue extension which shall include any monies due for land acquisition, soft costs, CCIA fees, construction costs and legal fees. Said amount shall be paid to the City of Vineland for distribution in accordance with the Burns Avenue development summary and shall then be paid to the Bathgate, Wegener & Wolf, P.C. law firm as attorneys for MCM by the City of Vineland.

3. The payments made as set forth herein shall represent the total amount due by any of the Parties to the Multi-Party Agreement for the cost of land acquisition, soft costs, CCIA fees, construction costs and legal fees.

4. This Mutual Release and Discharge shall not relieve the County from any further responsibility regarding the maintenance and upkeep of the County roadway or any traffic control device, recognizing that the intersection of Burns Avenue and Main Road is a County intersection and Vineland's only involvement in the design and construction was for the funding of the same.

Dated: \_\_\_\_\_

WITNESS

CITY OF VINELAND

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Anthony R. Fanucci, Mayor

WITNESS

COUNTY OF CUMBERLAND

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Douglas Albrecht, Director

CUMBERLAND COUNTY IMPROVEMENT  
AUTHORITY

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Jerry Velazquez, Director