

**PATERSON PUBLIC SCHOOL DISTRICT  
RESOLUTION FORM**

1. All Board resolutions must clearly state how that program/initiative relates to or is specifically connected to the Priorities and Goals contained in the Strategic Plan.
2. This resolution must be in the Superintendent's office according to cutoff date before the meeting of the Board of Education.

Recommendation/Resolution:

**RESOLUTION OF THE BOARD OF EDUCATION OF THE CITY OF PATERSON  
IN THE COUNTY OF PASSSAIC, NEW JERSEY APPROVING AND AUTHORIZING THE  
EXECUTION OF AN AMENDMENT OF THE 2010 LEASE REGARDING  
HINCHLIFFE STADIUM AND AGREEMENT TO CONVEY ABUTTING LOT  
(BLOCK 801, LOT 7) TO THE CITY OF PATERSON**

WHEREAS, THE SCHOOL DISTRICT OF THE CITY OF PATERSON, as landlord, leased certain real property commonly known as Hinchliffe Stadium, an approximately 5.64 acre tract of land located at 186-218 Maple Street, Paterson, New Jersey (Block 801, Lot 6) (the "Stadium") to the City of Paterson, as tenant, pursuant to a certain Lease dated June 8, 2010; and

WHEREAS, a developer has proposed to preserve and rehabilitate the Stadium and to also develop an abutting lot (Block 801, Lot 7) with housing with a multi-layered financing strategy including, but not limited to, New Jersey EDA ERG State Tax Credits; and

WHEREAS, both Lot 6 and Lot 7 in Block 801 are owned by the School District of The City of Paterson, New Jersey; and

WHEREAS, the School District of the City of Paterson and the City of Paterson desire to amend the June 8, 2010 Lease in order to facilitate the said Rehabilitation of the Stadium and the development of the abutting Lot 7, where the said amendments are contingent on the developer obtaining adequate financing by December 31, 2019; and

WHEREAS, the Lease Amendment would extend the term of the Lease until the end of the longest-term tax credit supporting the rehabilitation of the Stadium, i.e., the currently-applicable statutory period of time for development is completion by July 28, 2022, and obligate the School District of the City of Paterson to offer the City of Paterson the opportunity to acquire fee simple title to Lot 7, Block 801 for One (\$1.00) Dollar; and

WHEREAS, if the site developer's rehabilitation of the Stadium or its development of the abutting Lot 7 is not completed within the period of time mandated by N.J.S.A. 52:27D-489f or any successor State law, (the currently-applicable statutory period of time being for completion of development being July 28, 2022) the City of Paterson shall have the duty to offer the School District of the City of Paterson the opportunity, but not the obligation, under certain conditions to reacquire fee simple to Lot 7 for One (\$1.00) Dollar; and

WHEREAS, should the School District of the City of Paterson decline the offer to re-acquire Lot 7 the City of Paterson shall be obligated to take reasonable steps to ensure that the construction shall not in the long term be left incomplete; and


WHEREAS, the School District of the City of Paterson shall, after all expenses needed for the successful management and maintenance of the Stadium are paid, share equally the net profits, if any, on an annual basis derived from use of the field and the spectator seating area with the developer; provided, however, the developer shall bear the sole burden of any losses as well as the complete responsibility for any property tax liability or PILOT responsibility that may arise; and

WHEREAS, after a Certificate of Occupancy is obtained the City of Paterson and School District of the City of Paterson for the Stadium shall create a joint advisory board comprised of the President and Vice President of the Board of Education of the City of Paterson and, as an alternate appointee, the District Superintendent or his/her designee and one appointee of the Mayor of the City of Paterson, one appointee of the City of Paterson Municipal Council and one alternate appointee of the Municipal Council to serve only in the absence of 1 of the 2 previous appointees. Each appointee shall hold a term of office commencing on the date the Certificate of Occupancy is issued and shall continue until December 31 of the year in which the Certificate is obtained. Thereafter, each term shall continue until December 31, of each even numbered year and until a successor is appointed.

The said advisory board shall remain active and in effect so long as the Lease, as so amended, is in effect.

NOW, THEREFORE, BE IT RESOLVED that the Board of Education hereby approves the Amendment to the 2010 Lease appended hereto as Exhibit A and authorizes the Superintendent of the School District of the City of Paterson to execute and the counsel to the Board of Education of the City of Paterson to attest the Superintendent's signature and for said designees to take all actions necessary or desirable to implement the said Amendment.

**APPROVALS REQUIRED**

1. Submitted by Ms. Eileen F. Shafer, Superintendent of School  May 31, 2019  
(Name, Title) Date

2. Approval by Divisional Administrator \_\_\_\_\_  
Superintendent, Deputy, Assistant Superintendent, or Business Administrator, etc. Date

3. Verification by Legal Department \_\_\_\_\_  
Date

4. Account No. \_\_\_\_\_

Certification of Funds – Business Administrator \_\_\_\_\_  
Signature Date

Funds Available		Funds Not Available		Funds Not Needed		Non-Budget Item	
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5. Approval by Superintendent  5/31/19  
Date

6. Board Adoption Date \_\_\_\_\_ Resolution Number 6-3-19/1

Copies as follows:  
White-To Board Office    Green-To Deputy    Yellow-To Business Administrator    Pink-To #1    Gold-To #2