

RESOLUTION NO. 5 of 2022

A RESOLUTION OF THE COUNCIL OF THE CITY OF NANTICOKE, LUZERNE COUNTY, PENNSYLVANIA, APPROVING A HOST COOPERATION AGREEMENT BETWEEN THE GENERAL MUNICIPAL AUTHORITY OF THE CITY OF NANTICOKE AND THE CITY OF NANTICOKE RELATING TO THE REDEVELOPMENT ASSISTANCE CAPITAL PROGRAM GRANT OF THE COMMONWEALTH OF PENNSYLVANIA IN THE AMOUNT OF \$1,500,000 FOR THE NANTICOKE DOWNTOWN REDEVELOPMENT WITHIN THE CITY OF NANTICOKE

WHEREAS, the Commonwealth of Pennsylvania Office of the Budget through the Redevelopment Assistance Capital Grant Program, with the General Municipal Authority of the City of Nanticoke serving as Grantee and FCLN Real Estate, LLC serving as the Sub-Grantee, funded the Nanticoke Downtown Redevelopment Project, located at East Main and North Walnut Streets in the City of Nanticoke; and

WHEREAS, the \$1,500,000 Grant Agreement of the project requires the General Municipal Authority of the City of Nanticoke to execute a Cooperation Agreement with a taxing body; and

WHEREAS, the General Municipal Authority of the City of Nanticoke is seeking to pursue a Host Cooperation Agreement with the City of Nanticoke whereby the City of Nanticoke would reimburse the Commonwealth for the Commonwealth's share of any expenditures related to the project found to be ineligible under the Grant Program; and

WHEREAS, the Agreement requires the General Municipal Authority of the City of Nanticoke to thereupon reimburse host for all expenses incurred in fulfilling the City of Nanticoke's obligations under the Resolution for any expenditures sought from the City of Nanticoke by the Commonwealth based on any ineligibility under the terms of the Grant; and

WHEREAS, the City of Nanticoke would also have the right to proceed in any legal manner directly against the General Municipal Authority of the City of Nanticoke for the recovery of the amounts reimbursed by the City of Nanticoke to the Commonwealth for ineligible expenses related to the project; and

WHEREAS, the proposed Agreement holds the City of Nanticoke harmless from any losses, damages and expenses arising from or related to the project or the Grant thereby avoiding any monetary responsibility for the City of Nanticoke.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Nanticoke, in lawful session hereby approves the Host Agreement attached to this Resolution and empowers the Mayor or Administrator and Municipal Secretary to execute the Agreement on behalf of the City of Nanticoke.

RESOLVED this 2nd day of February, 2022 by the City Council of the City of Nanticoke.

ATTEST:

CITY OF NANTICOKE

Jennifer W. Polito, City Clerk

William Brown, Council President