

RESOLUTION NO. 5-2016

Harrisburg Redevelopment Authority

WHEREAS, the Authority and Harristown Development Corporation entered into a certain Verizon Tower Cooperation Agreement, dated March 20, 2014, providing among other things for an option for HDC to acquire certain Commercial Space at 333 Market Street, and HDC has exercised its option to purchase same; and

WHEREAS, the real estate comprising 333 Market was subjected to the condominium form of ownership pursuant to the Declaration of Condominium for 333 Market Street Condominium made by the Authority and joined in by HDC, dated November 25, 2014 and recorded January 2, 2015, in the Office of the Recorder of Deeds of the County of Dauphin, Pennsylvania (Instrument No. 20150000072) (the "Declaration"); and

WHEREAS, pursuant to the Declaration, and the Plats and Plans filed therewith, the condominium form of ownership was made applicable to the entire 333 Market real estate (as defined above); and

WHEREAS, in preparing for settlement and conveyance of the Commercial Space to HDC pursuant to the option, it was determined that in the Declaration the definition of the "Commercial – Primary Unit 2" of 333 Market Street Condominium failed to include the portion of the 333 Market real estate (and of the Retail/Commonalities portion) currently leased by HDC to WGAL Television located adjacent to northwest corner of Blackberry Street and 4th Street (the "WGAL Space"), all of which space was included in the lease to HDC but was erroneously not included in the description of the "Commercial – Primary Unit 2" in the Declaration, which omission the parties hereto wish to correct; and

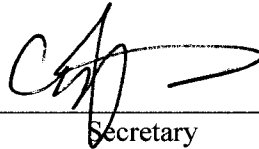
WHEREAS, in addition, in preparing for said settlement, it was also determined that the building known as the Chestnut Street Garage, owned by the City of Harrisburg and leased to the Pennsylvania Economic Development Funding Agency, and located on the real estate extending from Chestnut to Blackberry Streets, and between 4th and Dewberry Streets, actually encroaches onto the real estate of 333 Market; and

WHEREAS, HDC and the Authority, with the expected cooperation and concurrence of the 333 Market Street Condominium Association (the "Association") and the Commonwealth of Pennsylvania (the "Commonwealth"), as equitable owner of Primary Unit 1, wish to correct the erroneous omission of the "WGAL Space" from the Commercial – Primary Unit 2 and to convey same to HDC, and to also grant an easement in favor of the City of Harrisburg and its lessee covering the encroachment onto the 333 Market Street real estate (which shall not include the WGAL Space), all as set forth in the Post-Closing Agreement, a copy of which is attached hereto.

NOW, THEREFORE, BE IT RESOLVED that the Chair or Executive Director are authorized to execute the Post-Closing Agreement in substantially the same form as attached hereto.

6-14-16

Date



Secretary