

## **IF AND WHEN AGREEMENT**

**THIS AGREEMENT**, made on \_\_\_\_\_, 2025, between, RLS-CAL Wayne LLC, a Delaware Limited Liability Company having an address at 3200 Park Center Dr., Suite 1000, Costa Mesa, CA 92626. and PASSAIC COUNTY ("County"), with an address at 401 Grand Street, Room 417, Paterson, New Jersey 07505 ("Applicant" and "County" collectively referred to as the "Parties").

### WITNESS:

WHEREAS, Applicant filed an Application for Site Plan Approval ("Application") to construct and develop real property with frontage along Alps Road, a roadway under the jurisdiction of Passaic County, located at 1361 Alps Road, Wayne, New Jersey, and designated as Block 2329, Lots 1 and 17 on the Township of Wayne Tax Maps ("Project"); and

WHEREAS, a Site Plan, originally dated January 27, 2021, revised through May 31, 2024 ("Site Plan"), prepared by Langan Engineering was submitted for approval to the Passaic County Planning Board ("County Board"), received County Board approval with conditions on July 10, 2024 ("Site Plan Approval"), subject to certain terms and conditions set forth therein; and

WHEREAS, the Site Plan Approval, specifically requires the Applicant to enter into an agreement to dedicate 100.28 feet of its property that extends 33 feet from the Alps Road roadway centerline towards the Project ("Dedication"), at a later date if and when requested by the Passaic County Engineer ("County Engineer") or the County Board, at no cost to the County; and

WHEREAS, the Applicant is entering into this Agreement to comply with condition #1 of the Site Plan Approval.

NOW, THEREFORE, for good and valuable consideration received by Applicant, and for further good cause, Applicant herewith agrees to the following:

1. In consideration of the County Board's Site Plan Approval, Applicant agrees to grant the Dedication to the County for Alps Road, if and when requested by the County Engineer or the County Board.

2. The Parties understand and acknowledge that Passaic County requires a right-of-way of 66 feet for Alps Road, which is depicted on the Applicant's Site Plan.

3. The Parties further understand and acknowledge that the Applicant's Site Plan shows only a 60-foot-wide right-of-way in partial compliance with the Passaic County's requirements for the width of Ratzer Road, and that the Applicant will increase the width by three (3) feet so that the Dedication will result in a 33 foot half width.

4. The Parties further understand and acknowledge that, if and when, the County Engineer, or the County Board, demand the additional right-of-way dedication, Applicant will be

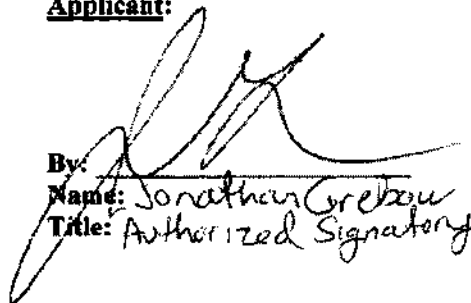
required to submit a right-of-way dedication of an additional three (3) feet, equal to half of the six (6) feet not provided as a right-of-way on Applicant's Site Plan.

5. This Agreement is intended to provide to the County the right-of-way dedication described herein which shall be memorialized in a Deed of Dedication between the Applicant and the County.

**Witness:**

  
Name: Brett Owens  
Title: Senior Vice President

**Applicant:**

  
By: \_\_\_\_\_  
Name: Jonathan Grebow  
Title: Authorized Signatory

**COUNTY OF PASSAIC**

\_\_\_\_\_  
Name: **Louis E. Imhof III**  
Title: **Clerk to the Board**

By: \_\_\_\_\_  
Name: **Pat Lepore**  
Title: **County Commissioner Director**

**RECORD AND RETURN TO:  
OFFICE OF THE COUNTY COUNSEL  
401 GRAND STREET, ROOM 214  
PATERSON, NJ 07505**

