

TOWNSHIP OF MOUNT HOLLY

ORDINANCE NO. 2023-9

**AUTHORIZING EXECUTION OF FINANCIAL AGREEMENT
AND AGREEMENT OF SALE BETWEEN THE TOWNSHIP
OF MOUNT HOLLY AND ACCUMULATING EQUITY
PARTNERS URBAN RENEWAL, LLC**

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Redevelopment Law”) authorizes the Township of Mount Holly (hereinafter the “Township”) to arrange or contract with a redeveloper for the planning, construction or undertaking of any project or redevelopment work in an area designated as an area in need of redevelopment; and

WHEREAS, by Resolution 2015-22 adopted on July 27, 2015, the Township designated the property identified on the Township tax map as Block 85, Lot 12 and Block 85, Lot 42 (collectively the “Property”) as an area in need of redevelopment; and

WHEREAS, by Ordinance 2023-5, adopted on April 10, 2023, the Township has adopted a Redevelopment Plan for the Property; and

WHEREAS, the Township designated ACCUMULATING EQUITY PARTNERS URBAN RENEWAL, LLC (hereinafter “Redeveloper”), a limited liability company of the State of New Jersey, having its principal office at 16 Mill Street, Mount Holly, New Jersey 08060, as redeveloper of the Property by Resolution 2023-36, adopted on February 13, 2023; and

WHEREAS, this Ordinance authorizes a Financial Agreement (hereinafter, the “Financial Agreement”), made _____, 2023, between ACCUMULATING EQUITY PARTNERS URBAN RENEWAL, LLC, and the TOWNSHIP OF MOUNT HOLLY; and

WHEREAS, the Financial Agreement is authorized by and shall be governed by the provisions of the Long Term Tax Exemption Law, as amended and supplemented, N.J.S.A. 40A:20-1, et seq. (the “Law”). This Ordinance shall serve as the authorizing ordinance under N.J.S.A. 40A:20-9, which provides: “The agreement shall not take effect until approved by ordinance of the municipality”; and

WHEREAS, the Redeveloper submitted an application to the Township in accord with the Law; and

WHEREAS, pursuant to N.J.S.A. 40A:20-8, the Town Council must adopt an ordinance authorizing the execution of a Financial Agreement with the Redeveloper setting forth the terms of the payments in lieu of taxes; and

WHEREAS, the Township finds that the development of the Property creates a substantial benefit to the Township when compared to costs, if any, associated with the tax exemption granted herein and, further finds that such tax exemption is of significant importance in obtaining the development of the Project. The Township also finds that the Project would not be built without this Financial Agreement; and

WHEREAS, the project to be constructed by the Entity shall be exempt from taxation on its improvements in accordance with the provisions of the Law and in the manner provided by this Financial Agreement for a term of twenty (20) years from the date that a certificate of occupancy is issued for the project but not more than twenty-five (25) years from the execution of the Financial Agreement, and only so long as the Entity and the project remain subject to the provisions of the Law and complies with this Financial Agreement; and

WHEREAS, in consideration of the aforesaid exemption from taxation on improvement(s), the Entity, its successors and assigns shall make payment to the Township in accord with the Financial Agreement authorized herein, and the Annual Service Charge shall be paid to the Township on a quarterly basis in a manner consistent with the Township's tax collection schedule; and

WHEREAS, against the Annual Service Charge, the Entity shall be entitled to credit for the amount, without interest, of the real estate taxes on the Project's land paid or that would have been due by it or by the owner of the Project's land in the last four (4) preceding quarterly installments; and

WHEREAS, the Entity shall submit auditor's reports and shall be subject to inspection under the terms of the Financial Agreement and Agreement of Sale; and

WHEREAS, the Township and Redeveloper have negotiated the attached Agreement of Sale for the sale of 20-22 Mill Street and 19 Church Street, in the Township of Mount Holly, County of Burlington, State of New Jersey, known as Block 85 Lot 12 and Block 85, Lot 42 to the Redeveloper; and

WHEREAS, this Ordinance authorizes the execution of Agreement of Sale between the Township and Redeveloper.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Mount Holly, County of Burlington, and State of New Jersey, as follows:

Section 1. Authorization. The Township hereby authorizes the Financial Agreement, and Agreement of Sale, in substantial conformance with the form attached hereto and subject to final review and approval of the Township Attorney. The Township further authorizes and directs the Mayor and Township Clerk to execute and witness same. The Township Manager, Officials, and Attorney are further authorized and directed to carry out such acts as may be necessary to effectuate the terms of this Financial Agreement and Agreement of Sale.

Section 2. Repealer. Any and all other ordinances inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Section 3. Severability. In the event that any section paragraph, clause phrase, term, provision or part of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid or unenforceable for any reason, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph, clause, term, provision or part thereof directly involved in the controversy in such judgment shall be rendered.

Section 4. Effective Date. This ordinance shall take effect upon proper publication and in accordance with law.

Section 5. Short Title. This Ordinance shall be known as Ordinance 2023-9

First Reading: August 14, 2023

Councilmember	Motion	2 nd	Yea	Nay	Recuse	Abstain	Absent
T. Astor						X	
L. Brown	X		X				
K. Burkus						X	
J. Jones		X	X				
C. Banks			X				

Second Reading: September 11, 2023

Councilmember	Motion	2 nd	Yea	Nay	Recuse	Abstain	Absent
T. Astor			X				
L. Brown							X
K. Burkus		X	X				
J. Jones	X		X				
C. Banks			X				

ATTEST:

Sherry L. Marnell
Township Clerk

Chris Banks, Mayor

I HEREBY CERTIFY that the foregoing Ordinance was approved for final adoption by Mayor and Township Council of the Township of Mount Holly, County of Burlington, State of New Jersey, at a regular meeting on this ____ day of ____, 2023.

**SHERRY L. MARNELL,
TOWNSHIP CLERK**