TOWNSHIP OF PARSIPPANY-TROY HILLS
MORRIS COUNTY, NJ
ORDINANCE NO. 2023:29

ORDINANCE OF THE TOWNSHIP OF PARSIPPANY TROY-HILLS, IN THE COUNTY OF MORRIS AUTHORIZING THE EXECUTION OF FINANCIAL AGREEMENT WITH THE TOWNSHIP AND AVALON PARSIPPANY 3 CAMPUS URBAN RENEWAL, LLC, GRANTING A TAX EXEMPTION WITH RESPECT TO THAT CERTAIN PROPERTY IDENTIFIED AS BLOCK 202, LOT 3.12 IN ACCORDANCE WITH THE LONG TERM TAX EXEMPTION LAW, N.J.S.A. 40A:20-1 ET SEQ.

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., as amended and supplemented (the "Redevelopment Law"), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of rehabilitation or redevelopment; and

WHEREAS, on September 19, 2023, pursuant to Resolution No. R2023-134, the Township Council (the "Council") of the Township of Parsippany Troy-Hills (the "Township") designated certain property then identified as Block 202, Lot 3.12 as "an area in need of redevelopment" (the "Redevelopment Area") in accordance with the Redevelopment Law; and

WHEREAS, on October 17, 2023, pursuant to Ordinance No. 2023:23, the Council adopted the "2 & 3 Campus Redevelopment Plan," dated September 26, 2023 (the "Redevelopment Plan") with respect to the Redevelopment Area; and

WHEREAS, on _____, by Resolution No. _____, the Council designated Avalon Parsippany 3 Campus Urban Renewal, LLC (the "Redeveloper") as the exclusive redeveloper of the Redevelopment Area in accordance with the Redevelopment Law; and

WHEREAS, in order to implement the Redevelopment Plan, the Township and the Redeveloper entered into a redevelopment agreement, which was also approved by the Council on _____, pursuant to Resolution No. _____ (the "Redevelopment Agreement"); and

WHEREAS, the Redevelopment Agreement contemplated the Project shall generally consist of the construction of a 4-story 238-unit multi-family residential community on Block 202, Lot 3.12, which may include ancillary site improvements, or other use as permitted by the Redevelopment Plan (the "Project"); and

WHEREAS, pursuant to the Redevelopment Area Bond Financing Law, N.J.S.A. 40A:12A-64 et seq. (the "RAB Law"), specifically, N.J.S.A. 40A:12A-66, a municipality that has designated a redevelopment area may provide for tax exemption within that redevelopment area and for payments in lieu of taxes in accordance with the provisions of the Long Term Tax Exemption Law, N.J.S.A. 40A:12A-1 et seq., (the "Exemption Law"); and

WHEREAS, pursuant to the Exemption Law, the Township is authorized to provide for tax exemption within a redevelopment area and for payments in lieu of taxes in accordance with the applicable provisions thereof; and

WHEREAS, in order to improve the feasibility of the Project, the Redeveloper has submitted an application for a long-term tax exemption and payment in lieu of taxes pursuant to the Exemption Law and RAB Law, and the application is on file with the Township Clerk (the "Application"); and

WHEREAS, the Mayor has submitted the Application and Financial Agreement, as defined herein, to the Council and recommended approval of the Application; and

WHEREAS, after review of the Application, the Council now desires to approve the Application and to authorize the execution of the proposed form of financial agreement for the Project (the "Financial Agreement") in substantially the form of agreement attached hereto as **Exhibit A**, and by this reference incorporated herein as may be modified in consultation with counsel as set forth herein; and

WHEREAS, in approving the Financial Agreement, the Council hereby finds that the development and construction of the Project as set forth in the Redevelopment Agreement and Redevelopment Plan will be beneficial to the overall community and help revitalize the Redevelopment Area, including the environmental remediation of same, as applicable; and

WHEREAS, the Council hereby further finds that the Financial Agreement is to the direct benefit of the health, welfare and financial well-being of the Township and its residents and that relevant benefits of the Project outweigh any costs to the Township resulting from the long term tax abatement granted herein; and

WHEREAS, the Annual Service Charge as provided for under the Financial Agreement offers relative stability and predictability to both the owner and the Township; and

WHEREAS, the Council hereby determines that the assistance provided to the Project pursuant to the Financial Agreement will be a significant inducement for the Redeveloper to proceed with the Project and, that based on the Application, the Project would not be feasible without such assistance; and

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Parsippany Troy-Hills, in the County of Morris, New Jersey, as follows:

I. GENERAL

The aforementioned recitals are incorporated herein as though fully set forth at length.

II. APPLICATION FOR EXEMPTION APPROVED

The Application, which is on file with the Township Clerk and which has been recommended for approval to the Council by the Mayor, is hereby accepted and approved pursuant

to N.J.S.A. 40A:20-8(f).

III. EXECUTION OF FINANCIAL AGREEMENT AUTHORIZED

(a) The Mayor is hereby authorized to execute the Financial Agreement, applicable to the Project, substantially in the form as it has been presented to the Council and attached hereto as **Exhibit A**, subject to modification or revision deemed necessary and appropriate by the Township Administrator in consultation with Township Attorney.

(b) The Township Clerk is hereby authorized and directed, upon the execution of the Financial Agreement in accordance with the terms of Section III(a) hereof, to attest to the signature of the Mayor upon such document and is hereby further authorized and directed to affix the corporate seal of the Township upon such document.

(c) In accordance with the Exemption Law, within ten (10) calendar days following the later of the effective date of this Ordinance or the execution of the Financial Agreement by the Redeveloper, the Township Clerk also shall transmit a certified copy of this Ordinance and the Financial Agreement to the Township Tax Assessor and the Director of the Division of Local Government Services. The Clerk shall also transmit a copy of this Ordinance and the Financial Agreement to the Chief Financial Officer of Morris County and to the Morris County Counsel for informational purposes.

(d) The Mayor and/or Township Administrator, in consultation with the Township Attorney, are hereby authorized to execute and/or amend, modify or make any necessary further amendments to the Financial Agreement and any other agreements or documents necessary to effectuate the intent and purposes of this Ordinance in accordance with the Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq.

IV. SEVERABILITY

If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

V. AVAILABILITY OF THE ORDINANCE

A copy of this Ordinance shall be available for public inspection at the offices of the Township.

VI. EFFECTIVE DATE

This Ordinance shall take effect according to law.

EXHIBIT A

Financial Agreement