

TOWNSHIP OF ABERDEEN

ORDINANCE NO. 13-2023

**AN ORDINANCE APPROVING AN APPLICATION FOR 5-YEAR TAX ABATEMENT
AND AUTHORIZING A TAX AGREEMENT BETWEEN THE
TOWNSHIP OF ABERDEEN AND FLEET ABERDEEN II LLC FOR CERTAIN FOR-
SALE, MARKET-RATE TOWNHOME UNITS TO BE DEVELOPED AT PROPERTY
LOCATED AT BLOCK 155, LOT 1 (GLASSWORKS REDEVELOPMENT AREA)**

WHEREAS, pursuant to New Jersey's Five-Year Exemption and Abatement Law, N.J.S.A. 40A:21-1, et. seq. (the “**Five-Year Exemption Law**”), a municipality having within its corporate limits areas in need of rehabilitation or redevelopment may, by ordinance, utilize the authority granted to municipalities under Article VIII, Section I, paragraph 6 of the New Jersey Constitution to provide for the exemption and/or abatement of real property taxes of dwellings, multiple dwellings, or commercial and industrial structures, or all of these; and

WHEREAS, the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “**Redevelopment Law**”) provides statutory authority for a municipality to designate an area within its corporate limits as an “area in need of redevelopment;” and

WHEREAS, on February 21, 2006, the Township Council of the Township of Aberdeen by resolution established that the real property identified as Block 155, Lot 1 on the Tax Map of the Township of Aberdeen (the “**Glassworks Redevelopment Area**”), met the requirements of an “area in need of redevelopment” in accordance with the Redevelopment Law; and

WHEREAS, also on February 21, 2006, the Township by resolution designated Somerset Development, LLC (“**Somerset**”) as the “redeveloper” of the Glassworks Redevelopment Area; and

WHEREAS, Somerset and the Township entered into that certain Master Redevelopment Agreement dated August 2006 (the “**MRA**”), as amended by that certain First Amendment to MRA dated April 14, 2016, as further amended by that certain Second Amendment to MRA dated August 3, 2016, as further amended by that certain Third Amendment to MRA dated October 19, 2020 (all, collectively, the “**Redevelopment Agreement**”); and

WHEREAS, the Redevelopment Agreement provides that the Township will implement the provisions of the Five-Year Exemption Law in the Glassworks Redevelopment Area to provide for the exemption and/or abatement of real property taxes of the for-sale market-rate residential units developed within the Glassworks Redevelopment Area (each a “**Unit**” and, collectively, the “**Units**”); and

WHEREAS, by Ordinance 10-2019 (the “**Five-Year Exemption Ordinance**”), the Township of Aberdeen implemented the provisions of the Five-Year Exemption law to provide for the exemption and/or abatement of real property taxes of the Units; and

WHEREAS, the Township adopted Resolutions No. _____ and _____, pursuant to which each of Fleet Aberdeen II LLC (“**Fleet**”) and NVR, Inc., D/B/A Ryan Homes (“**NVR**”) were designated as Qualified Developers and authorizing (1) the sale of a portion of the Glassworks Redevelopment Area to Fleet and/or NVR, and (2) the execution by Somerset, Fleet, NVR and/or the Township, as applicable, of a partial assignment and assumption of the Redevelopment Agreement; and

WHEREAS, Fleet and NVR have submitted a joint application to the Township Council of the Township of Aberdeen for tax exemption and abatement for the Units (the “**Application**”); and

WHEREAS, the Township Council has reviewed the Application, which application conforms to the requirements set forth in N.J.S.A. 40A:21-9; and

WHEREAS, the Township Council has determined that it would be in the best interests of the residents of the Township to enter into a tax agreement with the Applicant pursuant to N.J.S.A. 40A:21-10 and the Redevelopment Agreement to provide for a tax exemption and abatement of local real property taxes relating to the new construction of the Units.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Aberdeen, County of Monmouth, and State of New Jersey as follows:

1. The Township Council is hereby authorized to negotiate and enter into a tax agreement with Fleet setting forth the terms by which the Applicant shall pay to the Township an annual amount in lieu of full property tax payments as authorized by N.J.S.A. 40A:21-10.
2. The tax agreement to be executed by Fleet and the Township shall be approved by Resolution of the Township Council in accordance with Ordinance 10-2019.
3. A copy of the form of tax agreement to be executed by Fleet and the Township is attached as Exhibit A.
4. In the event that any provision of this Ordinance or the application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction, such declaration of invalidity shall not affect any other provision or application of this Ordinance which may be given effect, and, to realize this intent, the provisions and applications of this Ordinance are declared to be severable.

Introduced: July 20, 2023 – Published: July 26, 2023
Adopted: August 17, 2023 – Published: August 23, 2023

ATTEST:

TOWNSHIP COMMITTEE OF
THE TOWNSHIP OF ABERDEEN

Melissa Pfeifer, RMC

Fred Tagliarini, Mayor

