

ORDINANCE NO. 10-2024 OF THE COMMON COUNCIL OF THE CITY OF BURLINGTON DESIGNATING THE MICHAELS ORGANIZATION AS THE DEVELOPER FOR THE PROPERTY IDENTIFIED AS OPPORTUNITY SITE #1 WITHIN THE NEW YORKSHIRE REDEVELOPMENT AREA

WHEREAS, the City of Burlington is a Faulkner Act municipality with a Mayor-Council form of government pursuant to N.J.S.A. 40:69A-31, *et seq.*, with its organization, positions, powers, and duties outlined within the Code of the City of Burlington as set forth pursuant to the Faulkner Act; and

WHEREAS, the City adopted the “New Yorkshire Redevelopment Plan” in July of 2011, by way of Ordinance No. 09-2011, which amended the 1998 Yorkshire Plan and provided revised development objectives, design guidelines, and other elements governing redevelopment within the plan area (“the 2011 New Yorkshire Plan”); and

WHEREAS, the 2011 New Yorkshire Plan identifies several sites within the plan area which present key opportunities for redevelopment, and outlines specific objectives for each; and

WHEREAS, the Common Council of the City of Burlington previously determined that certain City-owned property, identified in the New Yorkshire Redevelopment Plan as Opportunity Site #1, and identified on the Tax Map for the City of Burlington as Block 141, Lots 8, 9, 11, 12, 13, 14, 15, 16 and 17, which is located at the west side of the intersection of Clarkson Street and Linden Avenue/Earl Street, is desirable for development for public purposes, including but not limited to City use and future improvement including Senior Housing; and

WHEREAS, the City previously determined that the properties or sites are ready to be transferred to a qualified purchaser and authorized the Director of Housing and Community Development and/or the Administration and the Solicitor to review proposals to purchase the aforementioned Opportunity sites; and

WHEREAS, the City has received a proposal from The Michaels Organization (referred to as “Michaels” or the “Developer”) in which the Developer proposes to purchase multiple lots from the City of Burlington for a sum to be negotiated and determined, in order to finance, construct, maintain and manage a 100% affordable senior rental housing development on the lots, which are located within the previously identified Opportunity Site in the New Yorkshire Redevelopment Area; and

WHEREAS, the property is ready to be transferred to a qualified purchaser; and

WHEREAS, the City has explored proposals for the rehabilitation of the site for other uses and determined that the subject proposal is the most feasible and beneficial proposal to the City; and

WHEREAS, based upon the foregoing, the Common Council of the City of Burlington has determined that the aforementioned City-owned property, identified on the Tax Map as Block 141, Lots 8, 9, 11, 12, 13, 14, 15, 16 and 17, which is located at the west side of the intersection

of Clarkson Street and Linden Avenue/Earl Street, are no longer needed for public purposes as contemplated by N.J.S.A. 40A:12-13 and previously enacted Ordinances for that purpose; and

WHEREAS, pursuant to previously adopted Ordinances and consistent with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-8g and N.J.S.A. 40A:12A-22j, the City may, among other things, authorize the sale of property located within redevelopment areas without the necessity for public bidding; and

WHEREAS, under the terms of the proposal submitted, the Developer would also be required to engage a professional Engineer and/or Architect to provide a concept plan, all of which would be set forth in an Agreement of Sale and Developer's Agreement with the Developer; and

WHEREAS, under the terms of the proposal submitted, the Developer would be responsible for all costs for the construction of the structures, for obtaining all required governmental approvals and such other approvals as may be required consistent with City Code, state statute or applicable law, all of which terms would be set forth in a Developer's Agreement with the Developer.

NOW THEREFORE BE IT ORDAINED by the Common Council for the City of Burlington that The Michaels Organization is hereby designated as the developer for the City-owned property identified on the Tax Map as Block 141, Lots 8, 9, 11, 12, 13, 14, 15, 16 and 17, which is located at the west side of the intersection of Clarkson Street and Linden Avenue/Earl Street, which parcels are within the New Yorkshire Redevelopment Area and designated as Opportunity Site #1 and which parcels are hereby designated as no longer needed for public purposes.

BE IT FURTHER ORDAINED by the Common Council for the City of Burlington that that the City and its Administrative staff and consultants are granted the authority to memorialize the offer to purchase the property through an Agreement of Sale and/or Developer's Agreement consistent with the terms as stated herein, namely:

1. The City and the Developer agree to negotiate terms such for the purchase of subject parcels for the sum to be determined;
2. The Developer will be required to engage a professional Engineer and/or Architect to provide a concept plan, which must also be approved by the Land Use Board; and
3. The Agreement will include such other terms as are reasonable and necessary for contracts of this nature and to fulfill the intent of Council in enacting this Ordinance.

BE IT FURTHER ORDAINED all Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent they are inconsistent herewith.

BE IT FURTHER ORDAINED if the provisions of any section, subsection, paragraph, subdivision or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph or subdivision, or clause of this Ordinance.

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BE IT FURTHER ORDAINED this Ordinance shall take effect thirty (30) days after final passage by Council or twenty (20) days after approval by the Mayor, whichever comes first.

Passed Common Council,

George Chachis, President
Common Council

Approved,

Barry W. Conaway, Mayor

ATTEST:

Cindy A. Crivaro, RMC
Municipal Clerk

Introduction: 03/19/24
Publication: 03/21/24
2nd & Final: 04/02/24
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Effective: 04/24/24

