

**THE TOWNSHIP OF EWING
COUNTY OF MERCER, NEW JERSEY**

ORDINANCE NO. 24-15

1st Reading 6-25-24 Date to Mayor 7-10-24

2nd Reading & Public Hearing 7-9-24 Date Returned 7-10-24

Date Adopted: 7-9-24 Date Resubmitted to Council _____
Approved as to Form of Legality

Effective Date: 7-31-24 Township Attorney _____

ORDINANCE OF THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, NEW JERSEY APPROVING APPLICATION FOR A LONG-TERM TAX EXEMPTION AND AUTHORIZING THE EXECUTION OF A FINANCIAL AGREEMENT

First Reading

MEMBER	AYE	NAY	ABSENT	ABSTAIN	MOVE	SECOND
Keyes-Maloney	X					
Schroth	X				X	
Steward	X					
Wollert	X					X
Baxter	X					

Second Reading

MEMBER	AYE	NAY	ABSENT	ABSTAIN	MOVE	SECOND
Keyes-Maloney	X					
Schroth	X					X
Steward			X			
Wollert	X				X	
Baxter			X			

By _____ Date _____ Accepted _____ Rejected _____
Mayor

Reconsidered
By Council _____ Override Vote YEA _____ NAY _____

President of the Council

Municipal Clerk

THE TOWNSHIP OF EWING
COUNTY OF MERCER, NEW JERSEY

ORDINANCE NO. 24-15

ORDINANCE OF THE TOWNSHIP OF EWING, IN THE COUNTY OF MERCER, NEW JERSEY APPROVING APPLICATION FOR A LONG-TERM TAX EXEMPTION AND AUTHORIZING THE EXECUTION OF A FINANCIAL AGREEMENT

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.* (the “**Redevelopment Law**”) authorizes municipalities to determine whether certain parcels of land located therein constitute areas in need of redevelopment; and

WHEREAS, pursuant to the Redevelopment Law, improvements to property located within an area in need of rehabilitation or redevelopment may qualify for long term tax exemptions under the Long-Term Tax Exemption Law, N.J.S.A. 40A:20-1 *et seq.* (the “**Exemption Law**”); and

WHEREAS, under the Redevelopment Law, the Mayor and Council (the “**Mayor and Council**”) of the Township of Ewing, New Jersey (the “**Township**”), adopted Resolution No. 23R-65 on March 14, 2023, designating the properties located at Block 344, Lots 31.011, 31.012 and 37.01; Block 345, Lot 1.01, Block 364, Lots 1, 73 and 77; Block 365, Lots 10.01-15, 19.01, 20 and 23; and Block 375, Lots 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, 19, 20 and 24 on the Township’s tax map (collectively, the “**Town Center Redevelopment Area**”) as an area in need of redevelopment and authorizing and directing the Township’s Planning Board (the “**Planning Board**”) to prepare a redevelopment plan for the Town Center Redevelopment Area; and

WHEREAS, the Planning Board thereafter caused the preparation of a redevelopment plan for the Town Center Redevelopment Area (the “**Redevelopment Plan**”), and on July 6, 2023, adopted a resolution finding the Redevelopment Plan is not inconsistent with the Master Plan and recommending that the Mayor and Council adopt the Redevelopment Plan; and

WHEREAS, on July 11, 2023, the Mayor and Council adopted Ordinance No. 23-13, approving and adopting the Redevelopment Plan; and

WHEREAS, in accordance with Section 65 of the Township Code, the Ewing Township Redevelopment Agency (the “**Agency**”) is the redevelopment entity responsible for implementing the Redevelopment Plan; and

WHEREAS, Parkway Redevelopment, LLC (the “**Redeveloper**”) is the owner of the portion of the Town Center Redevelopment Area identified on the Township tax map as Block 344, Lots 31.012 and 37.01, known as 1235-1241 Parkway Avenue (the “**Project Site**”); and

WHEREAS, on October 13, 2023, the Agency and the Redeveloper entered into a redevelopment agreement (the “**Redevelopment Agreement**”), pursuant to which the Redeveloper agreed to redevelop the Project Site with a project consisting of 152 residential units, including 129 market rate units and 23 units for low and/or moderate-income households (the “**Project**”); and

WHEREAS, in accordance with the Exemption Law, Parkway Redevelopment Urban Renewal LLC (the “**Entity**”), an affiliate of the Redeveloper, submitted to the Mayor an application (the “**Application**”), which is on file with the Township Clerk, to make payments to the Township in lieu of taxes in connection with the Project; and

WHEREAS, the Entity also submitted to the Mayor a form of financial agreement (the “**Financial Agreement**”), a copy of which is attached as Exhibit 19 to the Application; and

WHEREAS, upon review of the Application, the Township has made the following findings:

A. Relative Benefits of the Project:

The development and construction of the Project as set forth in the Redevelopment Agreement will be beneficial to the overall community; will achieve certain of the goals and objectives of the Redevelopment Plan; will help revitalize the Project Site; and will enhance the economic development of the Township. The Project is expected to produce approximately 300 construction jobs and 35 permanent jobs. The Project will include twenty-three (23) affordable housing units.

B. Assessment of the importance of the tax exemption in obtaining development of the Project and influencing the locational decisions of probable occupants:

The tax exemption permits the private residential development of underutilized property and provides a stream of revenue in the form of the Annual Service Charge. The relative stability and predictability of the Annual Service Charge will allow the owners and, by extension, the occupants, of the Project to stabilize their expenses, which will ensure the likelihood of the success of the Project and ensure that it will have a positive impact on the surrounding area. Further, the relative stability and predictability of the Annual Service Charge makes the Project more attractive to investors and lenders needed to finance the Project. In light of market conditions and other economic factors impacting this Project, it is not financially feasible to undertake the development of this Project in the absence of the tax exemption. Accordingly, without the incentive of the tax exemption, it is unlikely that the Project would be undertaken. Without the Project, the benefits described above would not be realized.

WHEREAS, the Mayor submitted the Application and Financial Agreement to the Township Council with his recommendation for approval, a copy of which recommendation is on file with the Township Clerk.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF EWING, NEW JERSEY AS FOLLOWS:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The Application submitted by the Entity is hereby approved in accordance with Section 8 of the Exemption Law.

Section 3. The Mayor is hereby authorized and directed to execute the Financial Agreement substantially in the form attached as Exhibit 19 to the Application together with such additions, deletions and other modifications deemed necessary upon consultation with counsel to the Township, and prepare, amend or execute any other agreements necessary to effectuate this ordinance, subject to modification or revisions, as deemed necessary and appropriate.

Section 4. The Clerk of the Township is hereby authorized and directed, upon execution of the Financial Agreement by the Mayor, to attest to the signature of the Mayor and to affix the corporate seal of the Township upon such document.

Section 5. The Township Clerk shall file certified copies of this ordinance and the Financial Agreement with the Tax Assessor of the Township in accordance with Section 12 of the Exemption Law.

Section 6. In accordance with P.L. 2015, c. 247, 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 chief financial officer of Mercer County and to the Mercer County Counsel for informational purposes.

Section 7. This ordinance shall take effect in accordance with all applicable laws.