

**TOWN OF GUTTENBERG
COUNTY OF HUDSON, STATE OF NEW JESREY**

ORDINANCE #01-23

AN ORDINANCE APPROVING A FIVE (5) YEAR TAX EXEMPTION FOR MULTIPLE DWELLING RENTAL PROJECT CONSTRUCTED BY NORTH HUDSON DEVELOPMENT, LLC, 80-84 70TH STREET, PURSUANT TO THE PROVISION OF THE FIVE (5) YEAR EXEMPTION AND ABATEMENT LAW, N.J.S.A. 40A:21-1 ET SEQ. AND SECTION 2-57 OF THE CODE OF THE TOWN OF GUTTENBERG

WHEREAS, North Hudson Development, LLC (the “Entity”) owns certain property known as Block 36 Lot 41 (asa Block 36, Lots 3, 39 and 40), on the Town’s Official Tax map, (the “Property”), commonly known as 80-84 70th Street, Guttenberg, NJ; and

WHEREAS, the Property is located in the Town of Guttenberg, within an area declared to be in need of rehabilitation; and

WHEREAS, the Entity has filed an application (“Application”) for a tax exemption for the project involving the construction of thirty (30) market rate residential units in one building (the “Project”); and

WHEREAS, the Town of Guttenberg is authorized to adopt an ordinance to utilize tax exemptions/abatements pursuant to N.J.S.A. 40A:21-1 et seq., the Five (5) Year Exemption and Abatement Law in an area declared to be in need of rehabilitation pursuant to N.J.S.A. 40A:12A-14, and N.J.S.A. 40A:21-1 et seq.; and

WHEREAS, pursuant to N.J.S.A. 40A:21-1 et seq., the Town of Guttenberg adopted Ordinance 07-2017, amended by Ordinances 04-2019, 06-2019, and 10-2019, an Ordinance entitled Five Year Tax Abatement Ordinance to allow Five (5) Year Tax exemptions which allows the town to enter into a tax agreement with applicant for the exemption and abatement of local real estate property taxes and the payment of an amount in lieu of full property taxes; and

WHEREAS, pursuant to N.J.S.A. 40A:21-1 et seq., and Section 2-57 of the Ordinance as codified, a tax exemption for new construction of multiple dwellings is permissible; and

WHEREAS, under the five-year tax exemption, the Entity is required to pay the Town (in addition to the full taxes on the land, which shall continue to be conventionally assessed and taxed) a payment in lieu of taxes for the new improvements on the Property; and

WHEREAS, the application for tax exemption was completed as required by the Ordinance; and

WHEREAS, the Property in 2022 was assessed for land only in the amount of \$266,300.00 (Block 36 Lot 41 fka Block 36, Lots 3, 39 and 40), and generated approximately \$10,324.00 in taxes; and

WHEREAS, the Project has received a Temporary Certificate of Occupancy; and

WHEREAS, upon review of the application, the Mayor and Council have determined that the proposed Project Improvements are eligible for tax exemption pursuant to N.J.S.A. 40A:21-9 and the Ordinance; and

WHEREAS, on that basis and under the five-year tax exemption, the Entity would be required to pay the Town (in addition to the full taxes on the land, which shall continue to be conventionally assessed and taxed) payment in lieu of taxes for the new improvements on the Property, based on an approximate estimated tax otherwise due on the improvements on the completed Project of approximately \$181,456 for the 30 units, as follows:

- (a) In the first full year following substantial completion, no payment on the new improvements.
- (b) In the second full year following completion, an amount equal to 20% of taxes otherwise due on the new improvements, estimated to be \$44,562
- (c) In the third full year following completion, an amount equal to 40% of taxes otherwise due on the new improvements, estimated to be \$78,785
- (d) In the fourth full year following completion, an amount equal to 60% of taxes otherwise due on the new improvements, estimated to be \$113,009
- (e) In the fifth full year following completion, an amount equal to 80% of taxes otherwise due on the new improvements, estimated to be \$147,232.00

WHEREAS, upon the expiration of the tax exemption, it is estimated that the Project Improvements in total will generate a tax payment of approximately \$191,780, including taxes on land, based upon the current tax rate; and

WHEREAS, in the event that a Town-wide reassessment and/or revaluation results in a decrease in the estimated amount of actual taxes otherwise due, then for purposes of calculating a tax payment hereunder and for the five-year period, the amount shall be calculated on the higher of the amount estimated hereunder or the actual taxes otherwise due; and

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Town of Guttenberg, County of Hudson, State of New Jersey as follows:

1. The above recitals are incorporated as if fully set forth at length herein.
2. The Application for a five (5) year tax exemption for the full and true value of the Project Improvements is hereby approved.

3. The Mayor or Municipal Administrator is hereby authorized to execute a five-year tax exemption agreement (“Tax Agreement”) for the Project which shall contain, at a minimum, the following terms and conditions:

- (a) The payment in lieu of taxes on the Project Improvements shall in total be:
 - (i) Year 1: the tax year following substantial completion, no payment in lieu of taxes otherwise due.
 - (ii) Year 2: the second tax year, 20% taxes otherwise due.
 - (iii) Year 3: the second tax year, 40% taxes otherwise due.
 - (iv) Year 4: the second tax year, 60% taxes otherwise due.
 - (v) Year 5: the second tax year, 80% taxes otherwise due.

4. The taxes otherwise due for the Project Improvements shall be determined as of the date of completion by the municipal Tax Assessor.

5. The Tax Agreement for the Project shall take effect on January 1 of the tax year immediately following the completion of the Project and shall have a duration of five years unless terminated prior thereto.

6. With respect to the transfer of the property, where it is determined that the new owner of the property will continue to use the property pursuant to the conditions which qualified the property, no tax shall be due, the exemption shall continue, and the agreement shall remain in effect.

7. At the termination of the Tax Agreement, the new improvements shall be subject to all applicable real property taxes as provided by State law and regulation and local ordinance; but nothing herein shall prohibit the Project, at the termination of an agreement, from qualifying for, and receiving the full benefits of, any other tax preferences provided by law.

8. The Municipal Clerk shall forward a copy of the Tax Agreements to the Director of the Division of Local Government Services in the Department of Community Affairs within thirty (30) days of the date of execution of the Tax Agreement.

9. The Tax Agreement shall be subject to the provisions of Section 2-57 of the Ordinance as codified, as may be applicable.

10. All ordinances and parts of ordinances inconsistent herewith, excepting the Ordinance, are hereby repealed.

11. This ordinance shall take effect at the time and in the manner provided by law.

/S/ Johanna Fermaint Introduction: 1.23.23 Adoption: 2.20.23