

ORD: 1724-23

**Ordinance of the Township of Hazlet, County of Monmouth, State Of New Jersey
Approving Middle Road Village Associates Application for Tax Exemption and
Authorizing the Execution of a Financial Agreement by and Between the Township of
Hazlet And Middle Road Village Associates for the Property Located on Golden Lane,
Hazlet, New Jersey and Identified on the Township's Tax Map as Block 120, Lots 87 and
88.01**

WHEREAS, Middle Road Village Associates (the "Entity") has applied for a long-term tax exemption pursuant to the Long-Term Tax Exemption Law (N.J.S.A. 40A:20-1 et seq.) (the "LTTEL") for a project to rehabilitate existing buildings containing senior citizen affordable residential rental units located at Golden Lane, Hazlet, New Jersey (the "Project") and identified on the Township's tax map as Block 120, Lots 87 and 88.01 (collectively, the "Property"); and

WHEREAS, the application for the tax exemption was dated November 20, 2023 (as amended and supplemented, the "Application"), which is on file with the Township Clerk; and

WHEREAS, the Township has determined that the Project is a "federally subsidized housing project", as such term is utilized in N.J.S.A. 40A:20-13.2 which is a part of the Long-Term Tax Exemption Law (N.J.S.A. 40A:20-1 et seq.) (the "LTTEL") and therefore is eligible for long term tax exemption pursuant to the LTTEL; and

WHEREAS, N.J.S.A. 40A:20-13.2 also specifically provides that "the governing body of a municipality may agree to continue a tax exemption for a State or federally subsidized housing project beyond the date on which existing first mortgage financing is fully paid so long as the project remains subject to affordability controls"; and

WHEREAS, the Entity has conducted a Property Condition Needs Assessment (PCNA) that details the conditions that are in need of repair or replacement over the next 20 years; and

WHEREAS, the Township has reviewed the PCNA and has determined that it is in the best interests of its residents that those repairs and replacements take place as outlined therein; and

WHEREAS, the Entity is the fee title owner to the Property; and

WHEREAS, the Township and the Entity reviewed the Application and negotiated the terms of a financial agreement pursuant to the LTTEL (the "Financial Agreement"); and

WHEREAS, the Township Council finds that the requested tax exemption will benefit the Township and its inhabitants by improving the condition of the Property, improving the living condition for the residents located therein and providing economic opportunities for residents through the creation of construction jobs; and

WHEREAS, the Township Council further finds that the requested tax exemption is important to the Township and that without the incentive of the tax exemption, it is unlikely that the Project will be undertaken; and

WHEREAS, the Township Council deems it to be in the best interest of the Township to pass an Ordinance approving the Entity's Application and authorizing the Township to enter into the proposed Financial Agreement with the Entity attached to this ordinance; and

NOW THEREFORE, be it Ordained That the Township Committee of the Township of Hazlet That:

Section 1. The development of the Project is hereby approved for the grant of a tax exemption under the LTTEL by virtue of, pursuant to and in conformity with the provisions of the LTTEL. The Application submitted by the Entity is hereby approved in accordance with Section 8 of the LTTEL.

Section 2. Pursuant to Section 9 of the LTTEL, the Mayor is hereby authorized to execute the Financial Agreement with the Entity, in substantially the form on file with the Township Clerk and attached hereto as Exhibit A and subject to any further review, analysis or modifications that counsel may deem appropriate.

Section 3. During the term of the tax exemption, in lieu of all property taxes on the land and improvements of the Property, the Entity shall pay to the Township an annual service charge determined in accordance with the Financial Agreement.

Section 4. As there is some uncertainty as to the end date of the prior tax abatement on the Project, the Financial Agreement authorized by this Ordinance shall be considered to go into effect on January 1, 2024 and shall continue in force and effect for a period of thirty (30) years thereafter.

Section 5. Township Counsel is authorized to prepare, and the Mayor is hereby authorized to execute, any additional documents that may be necessary to implement and carry out the intent of this Ordinance and the Financial Agreement.

Section 6. The Township Clerk is hereby authorized and directed to cause such publication and/or notices as are required by law to be made.

PUBLIC NOTICE

PUBLIC NOTICE IS HEREBY GIVEN that at a meeting of the Township Committee of Hazlet Township held on the 19th day of December 2023, the above-entitled ordinance was adopted on final passage and becomes effective with the publication of this notice.

ATTEST: Mary L. Lynch
 Municipal Clerk