INTRODUCED BY: Councilman Karcic				
SECONDED BY: Councilman Del Russo				
COUNCIL	AYE	NAY	ABSTAIN	ABSENT
FITZHENRY				X
CAVADAS	X			
KARCIC	X			
SHEEDY	X			
DEL RUSSO	X			
BOCCHINO	X			
PRONTI				
TOTAL				

Second & Final Reading

INTRODUCED BY: Councilman Karcic				
SECONDED BY: Councilman Fitzhenry				
COUNCIL	AYE	NAY	ABSTAIN	ABSENT
FITZHENRY	X			
CAVADAS	X			
KARCIC	X			
SHEEDY	X			
DEL RUSSO	X			
BOCCHINO	X			
PRONTI				
TOTAL				

ORDINANCE NO. 2338
BOROUGH OF NORTH ARLINGTON
BERGEN COUNTY, NEW JERSEY

ORDINANCE OF THE BOROUGH OF NORTH ARLINGTON, COUNTY OF BERGEN, AND STATE OF NEW JERSEY AUTHORIZING EXECUTION OF A FINANCIAL AGREEMENT BETWEEN THE BOROUGH OF NORTH ARLINGTON AND 12 PORETE URBAN RENEWAL, LLC AND APPROVING AN APPLICATION THEREOF PURSUANT TO THE LONG-TERM TAX EXEMPTION LAW, N.J.S.A. 40A:20-1 *ET SEQ.* WITH RESPECT TO BLOCK 169, LOT 2.01 (12 PORETE AVENUE) IN THE PORETE AVENUE REDEVELOPMENT AREA

WHEREAS, pursuant to the "Local Redevelopment and Housing Law", N.J.S.A. 40A:12A-1, et. seq., by Ordinance of June 23, 1992, the Mayor and Council of the Borough of North Arlington ("Governing Body") adopted a Redevelopment Plan for the Porete Ave Area (initial Redevelopment Plan); and

WHEREAS, the Borough is permitted to amend, from time to time, the Redevelopment Plan / Ordinance pursuant to the Local Redevelopment and Housing Law at N.J.S.A 40A:12A-7(e); and

WHEREAS, the initial Porete Avenue Redevelopment Plan was amended by the Governing Body on several occasions; and

WHEREAS, the Borough and Porete Ave. Master Redeveloper, LLC ("Master Redeveloper") entered into that certain Redevelopment Agreement dated as of December 28, 2016 (the "Redevelopment Agreement"), relating to certain real property located in the Borough in the Porete Avenue Area and more particularly shown on Exhibit 2 to the Redevelopment Agreement (the "Project Area"); and

WHEREAS, 12 Porete Urban Renewal, LLC ("12 Porete Redeveloper") is an affiliate of Master Redeveloper and the owner of a portion of the Project Area known as 12 Porete Avenue and designated as Block 169, Lot 2.01 on the tax maps of the Borough ("12 Porete Project Area"); and

WHEREAS, pursuant to a Partial Assignment and Assumption of Redevelopment Agreement dated October 1, 2021, between Master Redeveloper and 12 Porete Redeveloper, Master Redeveloper assigned to 12 Porete Redeveloper all of Master Redeveloper's right, title and interest in, to and under the Redevelopment Agreement with respect to the 12 Porete Project Area (the "12 Porete Assignment"); and

WHEREAS, pursuant to the Redevelopment Agreement and in accordance with the Redevelopment Plan, 12 Porete Redeveloper has agreed to develop the 12 Porete Project Area as an 111,660 square foot warehouse and light industrial facility ("Project"); and

WHEREAS, pursuant to N.J.S.A. 40A:20-1 et seq. ("LTTE Law"), the Borough is authorized to grant property tax exemptions with respect to Project improvements made within an area in needof redevelopment and has determined that it is appropriate to do so for a term of thirty (30) years,pursuant to a redevelopment plan, and to accept annual service charges in lieu of real estate taxes on those Project improvements; and

WHEREAS, 12 Porete Redeveloper is or will be qualified as an urban renewal entity as defined in and in accordance with the LTTE in order to be eligible for a real estate tax exemption pursuant to the Tax Exemption Law; and

WHEREAS, pursuant to the LTTE Law, 12 Porete Redeveloper has submitted to the Mayor of the Borough ("Mayor") an application for a tax exemption pursuant to the LTTE (the "Application") dated October 8, 2021, attached as Exhibit "A" hereto; and

WHEREAS, the Governing Body and the Borough's Economic Consultant, Benecke Economics, have reviewed 12 Porete Redeveloper's Application and find that the Application satisfies the submission requirements of the LTTE Law; and

WHEREAS, the Governing Body has heretofore determined, *inter alia*, that the Redevelopment Project would not have been constructed without a tax exemption for the Improvements; and

WHEREAS, as part of its Application for tax exemption, 12 Porete Redeveloper has submitted a form of Financial Agreement ("Financial Agreement") providing for payments in lieu of taxes; and

WHEREAS, Benecke Economics has reviewed the Application and Financial Agreement for the Borough and has determined that it is in the best interests of the Borough and has made its recommendations to the Governing Body accordingly; and

WHEREAS, the Governing Body has heretofore determined that exemption from taxation of the improvements pursuant to the Financial Agreement and receipt by the Borough of annual service charges in lieu of taxes allows redevelopment of the 12 Porete Project Area and is, therefore, in the best interest of the Borough and is in accordance with the provisions of the Long Term Tax Exemption Law and the public purposes pursuant to which the redevelopment has been undertaken; and

WHEREAS, the Governing Body now deems it to be in the best interest of the Borough to adopt an Ordinance authorizing the Borough to enter into the Financial Agreement with 12 Porete Redeveloper on the terms and conditions stated in the Financial Agreement attached to this Ordinance and as further set forth herein, including *inter alia* the granting of a tax exemption.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of North Arlington, County of Bergen and State of New Jersey as follows:

1. The Governing Body makes such determinations and findings by virtue of and pursuant to and in conformity with the LTTE as set forth in the above Recitals.

2. The Governing Body further finds and determines that, due to the current financial conditions in the commercial market in this geographic area and the competitive

advantage generated by having stability with payments in lieu of real estate taxation, a tax exemption is necessary to induce 12 Porete Redeveloper to undertake the Project and end users to occupy and use the project to be developed by 12 Porete Redeveloper.

3. The development of the Redevelopment Project is hereby approved for the grant of a tax exemption under the LTTE by virtue of, pursuant to and in conformity with the provisions of the same.

4. The Financial Agreement and all exhibits and schedules thereto are hereby authorized and approved.

5. It is the intent and purpose of the Governing Body that the improvements of the Project will be exempt from real property taxation as provided in the LTTE from the date the 12 Porete Redeveloper obtains a certificate of occupancy from the Borough for the Project, provided that annual service charges in lieu of real estate taxes are paid to the Borough as set forth in the Financial Agreement authorized pursuant to this Ordinance.

6. Upon adoption of this Ordinance and execution of the Financial Agreement, a certified copy of this Ordinance and the Financial Agreement shall be transmitted to the Department of Community Affairs, Director of the Division of Local Government Services, Borough Tax Assessor, Collector and Chief Financial Officer.

7. The Application for a Tax Exemption by 12 Porete Redeveloper is hereby approved.

BE IT FURTHER ORDAINED that the Mayor of the Borough North Arlington is hereby authorized to execute the Financial Agreement, with any ministerial modifications or revisions, as deemed necessary and appropriate in consultation with counsel, and any additional documents as are necessary to implement and carry out the intent of this Ordinance and the Financial Agreement.

APPROVED: _____
Daniel H. Pronti, Mayor

ATTEST: _____
Kathleen Moore, Borough Clerk

DATED: December 9, 2021

PUBLIC NOTICE

PUBLIC NOTICE IS HEREBY GIVEN THAT AT A REGULAR MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF NORTH ARLINGTON HELD ON THURSDAY, November 4, 2021 THE ABOVE ORDINANCE WAS INTRODUCED AND PASSED ON ITS FIRST READING. SAID ORDINANCE SHALL BE TAKEN UP FOR FURTHER CONSIDERATION FOR FINAL PASSAGE AT A REGULAR MEETING OF THE MAYOR AND COUNCIL TO BE HELD IN THE COUNCIL CHAMBERS, BOROUGH HALL, 214 RIDGE ROAD, NORTH ARLINGTON, BERGEN COUNTY, NEW JERSEY ON December 9, 2021 at 5:30PM OR AS SOON THEREAFTER AS THE MATTER CAN BE REACHED, AT WHICH TIME AND PLACE ALL PERSONS WHO MAY BE INTERESTED THEREIN SHALL BE GIVEN AN OPPORTUNITY TO BE HEARD CONCERNING SAME. DURING THE WEEK PRIOR TO AND UP TO AND INCLUDING THE DATE OF SUCH MEETING, COPIES OF SAID ORDINANCE WILL BE MADE AVAILABLE AT THE BOROUGH CLERK'S OFFICE TO THE MEMBERS OF THE GENERAL PUBLIC WHO SHALL REQUEST SAME.

Kathleen Moore, RMC
Borough Clerk