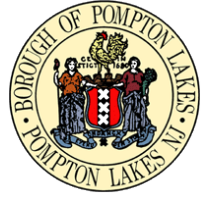


BOROUGH OF POMPTON LAKES PASSAIC COUNTY, NEW JERSEY



ORDINANCE NO. 24-17

ORDINANCE AUTHORIZING TAX EXEMPTION AND PAYMENT IN LIEU OF TAXES IN CONNECTION WITH THE REDEVELOPMENT PLAN FOR BLOCK 2600 LOT 2 AND AUTHORIZING THE EXECUTION OF A FINANCIAL AGREEMENT FOR PAYMENT IN LIEU OF TAXES WITH PASSAIC COUNTY AFFORDABLE HOUSING CORPORATION, PURSUANT TO N.J.S.A. 40A:20-1 ET SEQ. AND N.J.S.A. 40A:12A-64 ET. SEQ.

WHEREAS, on April 28, 2021, the Borough of Pompton Lakes adopted Resolution 21-115 designating a portion of the Borough, including the property identified as Block 2600, Lot 2 on the Official Tax Map of the Borough (the "Property") as a non-condemnation area in need of redevelopment, pursuant to N.J.S.A. 40A:12A-1 et seq.; and

WHEREAS, on July 19, 2023 pursuant to Ordinance 23-27, the Governing Body adopted a redevelopment plan for the Property known as the "Senior Housing Redevelopment Area" (the "Redevelopment Plan"); and

WHEREAS, Passaic County Affordable Housing Corporation (the Urban Renewal Entity or "URE") is the owner of the Property, and has been designated as Redeveloper of the Property and has entered into a redevelopment agreement (the "Redevelopment Agreement") with the Pompton Lakes Redevelopment Agency ("PLRA"), acting in the capacity as redevelopment entity for the Borough pursuant to N.J.S.A. 40A:12A-11, providing for the redevelopment of the Property; and

WHEREAS, the URE has been qualified by the State of New Jersey to do business as an urban renewal entity under the provisions of the Long-Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq., as amended and supplemented (the "LTTE Law"); and

WHEREAS, the URE is responsible for the redevelopment, operation, and maintenance of a project on the Property consisting of approximately 65 senior residential rental units (of which all shall be affordable units) (the "Project"), which Project is consistent with the goals of the Redevelopment Plan; and

WHEREAS, to improve the feasibility of the renovation, operation, and maintenance of the Project, the URE has made application to the Borough requesting a long-term tax exemption and financial agreement with respect to the Project (the "Application") pursuant to the LTTE Law and the Redevelopment Area Bond Financing Law, N.J.S.A. 40A:12A-64 et seq. (the "Bond Financing Law"), which Application is on file with the Borough Clerk; and

WHEREAS, there was also submitted as part of the Application a form of a financial agreement (the "Financial Agreement"), pursuant to which the URE agrees to pay, in lieu of tax payments, an Annual Service Charge in lieu of taxes on the Project, a copy of which is on file with the Borough Clerk, as may be modified in consultation with counsel as set forth herein; and

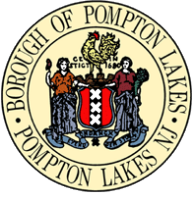
WHEREAS, the URE has represented to the Borough that the Project would not be feasible in its intended scope but for the provision of financial assistance by the Borough, and improvements on the Property, which is located within an area in need of redevelopment, may qualify for tax exemptions; and

WHEREAS, the Project will conform to all applicable municipal zoning ordinances as amended by the Redevelopment Plan and will be in conformance with the Borough's Master Plan; and

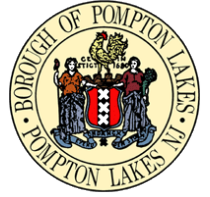
WHEREAS, after review of the Application, the PLRA and the Mayor have recommended that the Application be approved on such terms as set forth in a proposed form of Financial Agreement substantially in the form attached hereto as Exhibit A, and by this reference incorporated herein, as may be modified in consultation with counsel as set forth herein, and

WHEREAS, the Borough Council has reviewed the Application and the terms of the Financial Agreement, and wishes to approve the Application on such terms; and

WHEREAS, the Borough Council has determined that the Project represents an undertaking permitted by the LTTE Law, and has further determined that the Project is an improvement made for the purposes of clearance, re-planning, development, or redevelopment of an area in need of redevelopment within the Borough, as authorized by the LTTE Law and shall promote and further the redevelopment of the Borough; and



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WHEREAS, the Borough is agreeable to granting the long term tax exemption to the URE for the Project and, in connection therewith, the Borough and the URE will utilize the Bond Financing Law, the Exemption Law, and such other statutes as may be sources of relevant authority, if any, to facilitate financing of the Project; and

WHEREAS, the provisions of the Exemption Law, the Bond Financing Law, and such other statutes as may be sources of relevant authority, if any, authorize the Borough to accept, in lieu of real property taxes, an annual service charge paid by the URE to Borough as set forth in such laws; and

WHEREAS, the Borough hereby finds that the relevant benefits of the Project to the redevelopment of the Redevelopment Area, including the redevelopment of an existing structure and the creation of jobs during construction and new business that will contribute to the economic growth of the Borough, outweigh the costs, if any, associated with the tax exemption, which relevant benefits are further described in the Application and the Financial Agreement; and

WHEREAS, the Borough hereby determines that the assistance provided to the Project pursuant to the Financial Agreement will be a significant inducement for the URE to proceed with the Project and that based on information set forth in the Application, the Project would not be feasible without such assistance.

NOW THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Pompton Lakes, in the County of Passaic, State of New Jersey as follows:

I. GENERAL

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

II. APPROVAL OF APPLICATION AND EXEMPTION FROM TAXATION

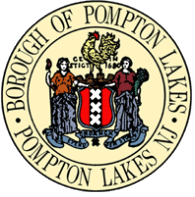
The Application submitted by the URE is hereby approved.

III. EXECUTION OF FINANCIAL AGREEMENT AUTHORIZED

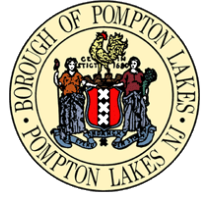
- (a) The Mayor, in consultation with legal counsel to the Borough, is hereby authorized and directed to execute the Financial Agreement, substantially in the form as it has been presented to the Mayor and Council, and attached hereto as **Exhibit A**, subject to additions, deletions, modifications, or revisions deemed necessary and appropriate in consultation with counsel, and any other agreements necessary to effectuate the Financial Agreement.
- (b) The Borough Clerk is hereby authorized and directed, upon the execution of the Financial Agreement in accordance with the terms of Section III(a) hereof, to attest to the signature of the Mayor upon such document and is hereby further authorized and directed to affix the seal of the Borough upon such document.
- (c) Within thirty (30) days of its execution, the Borough Clerk shall file certified copies of this ordinance and the executed Financial Agreement with the Tax Assessor of the Borough. 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 Entity, the Borough Clerk shall transmit a certified copy of this ordinance and the Financial Agreement to the chief financial officer of Passaic County and to the Passaic County Counsel for informational purposes.
- (d) The executed copy of the Financial Agreement shall be filed with the Office of the Borough Clerk.

IV. ENTITY OBLIGATIONS

- (a) The Project shall conform with all Federal and State laws and ordinances and regulations of the Borough relating to its construction and use.
- (b) The URE shall, in the operation of the Project, require compliance with all laws so that no person because of race, religious principles, color, national origin or ancestry, will be subject to discrimination.



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- (c) The URE shall, from the time the Annual Service Charge becomes effective, pay the Annual Service Charge as set forth in the Financial Agreement.

V. SEVERABILITY

If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

VI. ACTION REGARDING FINANCIAL AGREEMENT

The Mayor is hereby authorized and directed to determine all matters and terms in connection with the Financial Agreement, all in consultation with the counsel to the Borough, and the manual or facsimile signature of the Mayor upon any documents shall be conclusive as to all such determinations. The Mayor, the Borough Clerk and any other Borough official, officer or professional, including but not limited to, Borough legal counsel, redevelopment counsel, bond counsel, the financial advisor and the auditor to the Borough, are each hereby authorized and directed to execute and deliver such documents as are necessary to facilitate the transactions contemplated hereby, and to take such actions or refrain from such actions as are necessary to facilitate the transactions contemplated hereby, in consultation with, as applicable, Borough legal counsel, redevelopment counsel, bond counsel, the financial advisor and the auditor to the Borough, and any and all actions taken heretofore with respect to the transactions contemplated hereby are hereby ratified and confirmed.

VI. AVAILABILITY OF THE ORDINANCE

A copy of this Ordinance shall be available for public inspection at the offices of the Borough.

VII. EFFECTIVE DATE

This Ordinance shall take effect according to law.

Elizabeth Brandsness, R.M.C., Municipal Clerk

Michael Serra, Mayor

NOTICE OF PENDING ORDINANCE:

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at the Regular Meeting of the Mayor and Borough Council of the Borough of Pompton Lakes, in the County of Passaic, and State of New Jersey, held in the Municipal Building on the 13th day of March 2024, and same came up for final passage at the regular meeting of the Mayor and Borough Council held on the 27th day of March 2024, at which time, after persons interested were given the opportunity to be heard concerning said Ordinance, the same was passed and will be in full force and effect in the Borough of Pompton Lakes after adopted by the Mayor or in accordance with the law.

Elizabeth Brandsness, R.M.C.
Municipal Clerk