

TOWNSHIP OF LUMBERTON, NEW JERSEY

ORDINANCE NO. 2019-08

ORDINANCE AUTHORIZING AND APPROVING THE EXECUTION AND DELIVERY OF A FINANCIAL AGREEMENT BETWEEN THE TOWNSHIP OF LUMBERTON AND LUMBERTON URBAN RENEWAL, LLC FOR PHASE II(b) OF A REDEVELOPMENT PROJECT LOCATED ON A PORTION OF PROPERTY CURRENTLY KNOWN AS BLOCK 16, LOT 1.02, PURSUANT TO THE LONG TERM TAX EXEMPTION LAW (N.J.S.A. 40A:20-1 et seq.)

WHEREAS, the Township of Lumberton ("Township") is a municipal entity organized and existing under the laws of the State of New Jersey and located in Burlington County; and

WHEREAS, pursuant to the provisions of the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* ("Redevelopment Law"), specifically including *N.J.S.A. 40A:12A-6(a)*, on January 19, 1999, the Township Committee of the Township ("Governing Body") adopted Ordinance 1999-1 designated certain parcels of real property in the Township as a "Redevelopment Area" as such term is defined in the Redevelopment Law; and

WHEREAS, pursuant to such designation, by Ordinance 2007-9, the Governing Body adopted the "A-1 Pallet Site Redevelopment Plan", a redevelopment plan that includes applicable development goals and standards for, among other things, the redevelopment of the Redevelopment Area ("Redevelopment Plan"); and

WHEREAS, the Township has heretofore designated the Governing Body as the "Redevelopment Entity" (as such term is defined in the Redevelopment Law) for the purpose of implementing the Redevelopment Plan; and

WHEREAS, certain property designated as Block 16, Lot 1.02 on the Official Tax Map of the Township ("Property") is located within the Redevelopment Area; and

WHEREAS, by resolution, the Governing Body appointed Lumberton Urban Renewal, LLC ("Developer"), as the redeveloper of the Property; and

WHEREAS, the redevelopment plan of the Developer consists of the redevelopment of the Property by the undertaking of certain improvements to the Property consisting of: (i) the rehabilitation of an existing warehouse and the development and construction of approximately 64,000 square feet of storage units (referred to herein as "Phase I"); and (ii) the development and construction of two (2) units of approximately 6,000 square feet each containing office uses, non-drive-through restaurant space and/or flex space (the first 6,000 square foot unit is referred to herein as "Phase II(a)", and the second 6,000 square foot unit is referred to herein as "Phase II(b)"), together with associated parking, landscaping, lighting and other site improvements (the foregoing is collectively referred to herein as the "Project"); and

WHEREAS, the Developer has or will purchase or lease the Property and construct, or cause to be constructed, the Project; and

WHEREAS, the Long Term Tax Exemption Law permits a municipality to enter into a financial agreement exempting real property from tax assessment and accepting payments in lieu of taxes where the property is qualified; and

WHEREAS, in accordance with the Long Term Tax Exemption Law, the Developer submitted a written application ("Application") to the Township for approval of a tax exemption for the improvements to be constructed as part of the Phase II(b) of the Project ("Improvements"), which Application was approved pursuant to resolution of the Governing Body of the Township; and

WHEREAS, the Governing Body has heretofore determined, *inter alia*, that Phase II(b) of the Project would not have been constructed without a tax exemption for the Improvements; and

WHEREAS, as part of its Application for tax exemption, the Developer submitted a form of Financial Agreement ("Financial Agreement") providing for payments in lieu of taxes, a copy of which is attached to this Ordinance as Exhibit "A", which includes exhibits and schedules attached to the Financial Agreement; and

WHEREAS, the Governing Body has heretofore determined that exemption from taxation of the Improvements pursuant to the Financial Agreement and receipt by the Township of annual service charges in lieu of taxes allows maximum redevelopment of the Property and is, therefore, in the best interest of the Township 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 Township to adopt an Ordinance authorizing the Township to enter into the Financial Agreement with the Developer 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 Township Committee of the Township of Lumberton, County of Burlington, and State of New Jersey, that the Township will enter into a Financial Agreement with the Developer on the terms and conditions stated in the Financial Agreement attached to this Ordinance and as further set forth herein:

1. The Governing Body makes such determinations and findings by virtue of and pursuant to and in conformity with the Long Term Tax Exemption Law.
2. The development of Phase II(b) of the Project is hereby approved for the grant of a tax exemption under the Long Term Tax Exemption Law by virtue of, pursuant to and in conformity with the provisions of the same.
3. The Financial Agreement, in substantially the form attached (with such changes as shall be approved by the Township Administrator and the Township Solicitor upon prior notice to the Governing Body), and all exhibits and schedules thereto, are hereby authorized and approved.
4. The Improvements, when constructed and deemed substantially completed, shall be exempt from real property taxation and, in lieu of real property taxes, the Entity shall make payments to the Township of an annual service charge during the term and under the provisions set forth in the Financial Agreement.
5. 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.

BE IT FURTHER ORDAINED AND ENACTED, that this Ordinance shall take effect upon proper passage in accordance with the law;

BE IT FURTHER ORDAINED that the Mayor, the Township Administrator, the Township Chief Financial Officer are each hereby authorized to execute the Financial Agreement and any additional documents as are necessary to implement and carry out the intent of this Ordinance and the Financial Agreement. Such Financial Agreement and any additional documents may each be attested on behalf of the Township by the Township Clerk or Township Deputy Clerk.

LUMBERTON TOWNSHIP COMMITTEE

ACTION UPON INTRODUCTION:

COMMITTEE MEMBER	MOTION	2 nd	YES	ABSTAIN	NO	ABSENT
J. Dwyer	√		√			
K. Hatfield			√			
R. Tuno						√
K. Januseski		√	√			
S. Earlen			√			

ACTION UPON ADOPTION:

COMMITTEE MEMBER	MOTION	2 nd	YES	ABSTAIN	NO	ABSENT
J. Dwyer						
K. Hatfield						
R. Tuno						
K. Januseski						
S. Earlen						

CERTIFICATION

I hereby certify that the foregoing is a true copy of the ordinance that was introduced after first reading at a meeting of the Lumberton Township Committee held on June 27, 2019 and adopted after a public hearing at a meeting of the Lumberton Township Committee held on July 25, 2019.

Debra L. Shaw-Blemings, RMC
Lumberton Township Clerk

Introduced: June 27, 2019
Hearing: July 25, 2019
Adopted:

Published: July 8, 2019
Published:

EXHIBIT "A"
FINANCIAL AGREEMENT FOR PHASE II(b) BETWEEN TOWNSHIP OF LUMBERTON,
NEW JERSEY AND LUMBERTON URBAN RENEWAL, LLC