

TOWNSHIP OF LUMBERTON, NEW JERSEY

ORDINANCE NO. 2019-09

ORDINANCE OF THE TOWNSHIP OF LUMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY AUTHORIZING AND APPROVING THE EXECUTION AND DELIVERY OF AN AMENDED REDEVELOPMENT AGREEMENT BETWEEN THE TOWNSHIP OF LUMBERTON AND LUMBERTON URBAN RENEWAL, LLC

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, pursuant to and in accordance with the Redevelopment Law, on December 31, 2010, the Township and the Developer entered into that certain Redevelopment Agreement ("Original Redevelopment Agreement") in order to, among other things, memorialize the terms and provisions by which the Developer would develop and construct the Project in accordance with the Redevelopment Plan; and

WHEREAS, subsequent to the execution and delivery of the Original Redevelopment Agreement, certain litigation was instituted, which prevented the Project from progressing; and

WHEREAS, such litigation has subsequently been settled permitting the Project to proceed; and

WHEREAS, in the intervening period since the date of execution of the Original Redevelopment Agreement, the Township and the Developer have determined to apply additional terms and provisions pursuant to which, among other things, the Developer shall develop and construct the Project; and

WHEREAS, in furtherance of such determination, the Township and the Developer have agreed to amend and restate the Original Redevelopment Agreement by the execution and delivery of an "Amended Redevelopment Agreement" ("Amended Redevelopment Agreement"), a copy which is attached to this Ordinance as Exhibit "A"; 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 Amended Redevelopment Agreement with the Developer on the terms and conditions stated in the Amended Redevelopment Agreement attached to this Ordinance:

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 the Amended Redevelopment Agreement with the Developer on the terms and conditions stated in the Amended Redevelopment 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 applicable law, including, but not limited to, the Redevelopment Law.
2. The Amended Redevelopment 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.

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 Amended Redevelopment Agreement and any additional documents as are necessary to implement and carry out the intent of this Ordinance and the Amended Redevelopment Agreement. Such Amended Redevelopment 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"
AMENDED REDEVELOPMENT AGREEMENT BETWEEN THE TOWNSHIP OF
LUMBERTON, NEW JERSEY AND LUMBERTON URBAN RENEWAL, LLC