

TOWNSHIP OF MOORESTOWN

ORDINANCE NO. 10-2018

ORDINANCE OF THE TOWNSHIP OF MOORESTOWN, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AUTHORIZING AND APPROVING A FINANCIAL AGREEMENT BETWEEN THE TOWNSHIP OF MOORESTOWN AND MOORESTOWN URBAN RENEWAL ASSOCIATES LLC FOR PROPERTY KNOWN AS BLOCK 4801, LOT 12 (160 WEST ROUTE 38) ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF MOORESTOWN PURSUANT TO THE LONG TERM TAX EXEMPTION LAW, N.J.S.A. 40A:20-1 ET SEQ.

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

WHEREAS, Moorestown Urban Renewal Associates LLC (“MURA”) is the developer of certain property located on a portion of Block 4801, Lot 12, as so designated on the official Tax Map of the Township (the “Property”); and

WHEREAS, MURA proposes the development of seventy-six (76) rental units, comprised of a mix of one-, two-, and three-bedroom units, seventy-five (75) units of which will be subject to affordable housing controls and leased exclusively to tenants whose incomes meet low and moderate income standards pursuant to the applicable income distribution requirements in the UHAC rules (NJAC 5:80-26.1 et. seq) and the Fair Housing Act (NJSA 52:27D-301 et. seq) , with the one (1) remaining unit to be reserved for the site’s superintendent (the “Project”); and

WHEREAS, MURA is in the process of applying to the New Jersey Housing and Mortgage Finance Agency for consideration of the Project under its Low-Income Housing Tax Credit Program (the “Application”); and

WHEREAS, in connection with its Application, MURA has requested that the Township consider entering into a financial agreement for the Project pursuant to the Long Term Tax Exemption Law (the “LTTEL”), N.J.S.A 40A:20-1 et seq.; and

WHEREAS, the LTTEL permits the Township to enter into financial agreements of the type proposed, exempting real property from tax assessment and accepting payments in lieu of taxes where it is found that the property is qualified; and

WHEREAS, the Township Council has determined that the Property qualifies as a “low and moderate income housing project” under the provisions of the LTTEL and that the Property will be maintained as a low and moderate income housing project for a period of thirty (30) years from the completion of construction, consistent with the term of the proposed financial agreement; and

WHEREAS, as part of its application to the Township for a tax exemption, MURA has submitted a form of financial agreement providing for payments in lieu of taxes (the “Financial Agreement”), a copy of which, together with all exhibits thereto, is attached to this Ordinance as “Exhibit A”; and

WHEREAS, the Township Council has determined that the exemption from taxation pursuant to the Financial Agreement and the receipt by the Township of annual service charges in lieu of such taxes are in accordance with the provisions of the LTTEL; and

WHEREAS, the Township Council has further determined it to be in the best interest of the Township to adopt an Ordinance authorizing the Township to enter into the Financial Agreement with MURA on the terms and conditions stated within same (see Exhibit A), and as further set forth herein, including, *inter alia*, the granting of a tax exemption pursuant to the LTTEL.

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Moorestown, County of Burlington, and State of New Jersey, that the Township will enter into a Financial Agreement with MURA on the terms and conditions stated in the Financial Agreement attached to this Ordinance as Exhibit A and as further set forth herein:

1. The Governing Body makes such determinations and findings by virtue of, pursuant to and in conformity with the Long Term Tax Exemption Law, N.J.S.A 40A:20-1 et seq.
2. The development of the Property is hereby approved for the grant of a tax exemption under the Long Term Tax Exemption Law, N.J.S.A 40A:20-1 et seq., by virtue of, pursuant to and in conformity with the provisions of same.
3. The Financial Agreement and all exhibits and schedules thereto are hereby authorized and approved.
4. The development of the Property shall be exempt from real property taxation and, in lieu of real property taxes, MURA shall make payments to the Township in the form 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 that the Mayor and the Township Manager 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.

BE IT FURTHER ORDAINED that this Ordinance shall take effect in accordance with law.

NOTICE AND CERTIFICATION

The ordinance published herewith was introduced and passed upon first reading at a meeting of the Township Council of the Township of Moorestown, County of Burlington, State of New Jersey, held on June 11, 2018. This ordinance will be further considered for final passage by the Township Council at a meeting to be held at the Town Hall, 111 West Second Street, Moorestown, New Jersey on June 25, 2018 at 7:30 pm or at any time and place to which such meeting may be adjourned. All persons interested will be given the opportunity to be heard concerning such ordinance. During the week prior to and including the date of such further consideration, copies will be made available at the Municipal Clerk's Office in said Municipal Building to any member of the general public who shall request such copies.

Patricia L. Hunt, RMC
Township Clerk

“EXHIBIT A”

Financial Agreement