

**ORDINANCE NO. 2016-11**

**AN ORDINANCE OF THE TOWNSHIP OF EASTAMPTON, COUNTY OF BURLINGTON GRANTING A LONG TERM TAX ABATEMENT TO EASTAMPTON PLACE URBAN RENEWAL, LLC PURSUANT TO N.J.S.A. 40A:20-9 FOR THE REDEVELOPMENT OF PROPERTY LOCATED AT BLOCK 900.01, LOTS 12.01, 12.05 AND 12.06 ON THE TAX MAP OF THE TOWNSHIP OF EASTAMPTON AND APPROVING A FINANCIAL AGREEMENT BETWEEN EASTAMPTON PLACE URBAN RENEWAL, LLC AND THE TOWNSHIP OF EASTAMPTON**

**WHEREAS**, Eastampton Place Urban Renewal, LLC. (“Eastampton Place”) filed an application with Eastampton Township seeking a long term tax exemption for a project consisting of the construction of approximately 140 market rate rental dwelling units in five buildings and approximately 5,600 square feet of retail space, as described more fully within the tax abatement application (the "Project"), to be located just East of the intersection of Woodlane and Monmouth Roads, on property identified Official Tax Map of the Township of Eastampton, Burlington County, New Jersey as Block 900.01, Lots 12.01, 12.05 and 12.06 (the "Property"); and

**WHEREAS**, the Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq. (the “LTTEL”), authorizes municipalities to grant long term tax abatements to projects such as the one proposed by Eastampton Place; and

**WHEREAS**, the Township Manager has recommended that the Township Council favorably consider the tax abatement sought through this application; and

**WHEREAS**, the Township Council has determined pursuant to N.J.S.A. 40A:20-11 that the relative benefits of this Project outweigh any costs associated with this tax abatement and that without the tax abatement granted herein, the Project would not be undertaken; and

**WHEREAS**, the Township Council wishes to grant a long term tax abatement to Eastampton Place for the Project and to authorize the Mayor to sign a Financial Agreement on behalf of the Township with Eastampton Place setting forth the terms and conditions of the tax abatement.

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Council of the Township of Eastampton, County of Burlington, and State of New Jersey as follows:

1. The application of Eastampton Place for the development, maintenance and operation of the project described within Eastampton Place's tax abatement application is hereby approved in accordance with the recommendation of the Township Manager.

2. The improvements constructed on the Property shall be exempt from taxation for a period of ten (10) years from the substantial completion of each building of the Project, subject to the terms and conditions of the Financial Agreement and the LTTEL, and upon the further condition that Eastampton Place does not file a petition of tax appeal for the Property during the term of the Financial Agreement.

3. The Mayor is hereby authorized to execute, on the Township's behalf, the Financial Agreement substantially in the form attached hereto.

4. An executed copy of the Financial Agreement authorized by this ordinance shall be filed and maintained with the Township Clerk.

5. Subject to the requirements of paragraph 6 below, as of the Annual Service Charge Start Date (as defined in the Financial Agreement), Eastampton Place shall pay the Township Annual Service Charges in the manner and amounts required under the Financial Agreement. The annual service charge shall be based on 10%, 11%, 12% and 14% of the Annual Gross Revenue of the Project, as permitted by the LTTEL, and as set forth in the Financial Agreement, and subject to the phasing requirements set forth within the Financial Agreement. After the auditor's report required under the Financial Agreement has been accepted by the Township's Manager and the Township's Chief Financial Officer, the Township and Eastampton Place will adjust any over or under payment so made or needed to be made for the particular period covered by the auditor's report.

6. Eastampton Place shall pay the minimum annual service charge, as calculated pursuant to N.J.S.A. 40A:20-12(b)(2)(e) and the Financial Agreement, in each year in which the annual service charge, as provided in paragraph 5 above, would be less than the minimum annual service charge.

7. The following occurrences and requirements are express conditions of the granting of this tax abatement, to be performed by Eastampton Place, and the failure to comply with these requirements will result in the cancellation of the tax abatement:

(a) Eastampton Place shall pay full taxes on the land until the annual service charge becomes effective as provided within the Financial Agreement;

(b) Eastampton Place shall not, without prior consent of the Township Council, sell, lease, assign, encumber, subordinate, convey, mortgage or transfer all, or any part of the Project, in any manner that would sever, disconnect or divide the improvements from the land on which Project is located;

(c) Eastampton Place shall obtain all land use approvals necessary to construct the Project on the Property;

(d) Eastampton Place and/or Fieldstone Associates LP shall obtain title to the Property within six months of the date of the execution of the Financial Agreement. This tax abatement shall not take effect until Eastampton Place and/or Fieldstone Associates LP obtains title to the Property, and the failure of Eastampton Place and/or Fieldstone Associates LP to do so within this time period shall result in the automatic termination of this tax abatement.

8. In any year that Eastampton Place fails to make four (4) consecutive land tax payments when due and owing in the manner defined in N.J.S.A. 40A:20-12(b)(2)(e), such delinquency shall render Eastampton Place ineligible for any land tax credits against the annual service charge for that year.

9. Eastampton Place understands and agrees that the revenue projections set forth within its tax abatement application are estimates and that the actual payments in lieu of taxes to be paid by Eastampton Place to the Township shall be determined pursuant to the Financial Agreement to be executed between Eastampton Place and the Township.

10. The Project, when completed, shall conform with all State laws and ordinances of Eastampton Township relating to its construction and use.

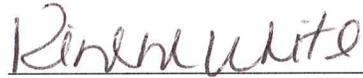
11. The Township Clerk shall forthwith submit a certified copy of the ordinance approving the tax exemption and the proposed Financial Agreement to the Director of the Division of Local Government Services.

12. Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

13. All ordinances or parts of ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

14. This ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.

ATTEST:

  
KIM-MARIE WHITE  
Municipal Clerk

  
ROBERT APGAR  
Mayor

Adopted: July 18, 2016

Introduction 06.27.2016

Council	Motion	2 <sup>nd</sup>	Ayes	Nays	Abstain	Absent
Councilman Adams		✓	✓			
Councilman Edson						✓
Councilman Springer						✓
Councilman Zeno	✓		✓			
Mayor Apgar			✓			
		<b>VOTE</b>	<b>3</b>	<b>0</b>		

Adoption 07.18.16

Council	Motion	2 <sup>nd</sup>	Ayes	Nays	Abstain	Absent
Councilman Adams			✓			
Councilman Edson			✓			
Councilman Springer		✓	✓			
Councilman Zeno	✓		✓			
Mayor Apgar			✓			
		<b>VOTE</b>	<b>5</b>	<b>0</b>		