

ORDINANCE NO: 2018-19

ORDINANCE APPROVING THE APPLICATION AND FINANCIAL AGREEMENT FOR A LONG TERM TAX EXEMPTION WITH EVESBORO PLACE URBAN RENEWAL, LLC FOR THE ARC WHEELER (NOW EVESBORO PLACE) AFFORDABLE HOUSING PROJECT TO BE LOCATED ON **BLOCK 401, LOT 9.02, MEDFORD TOWNSHIP**

WHEREAS, the Township of Medford (the “Township”), County of Burlington, State of New Jersey by Resolution designated, pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., certain properties of the Township, including the property now known as Block 401, Lot 9.02 on the Official Tax Map of the Township (the “Property”), as an “area in need of redevelopment” (the “Redevelopment Area”); and

WHEREAS, the Township by adoption of Ordinance 2017-11 adopted a Redevelopment Plan for the Redevelopment Area; and

WHEREAS, in order to implement the development, financing and renovation of the Redevelopment Area, by adoption of Resolution 89-2018, on May 22, 2018, the Mayor and Township Council authorized the execution of a Redevelopment Agreement (the “Redevelopment Agreement”) with Evesboro Place, LLC, a New Jersey limited liability company [now Evesboro Place Urban Renewal, LLC] (“Entity”) for construction of a redevelopment project (the “Project”) consisting of certain improvements on the Property, being an inclusionary residential affordable housing development (the “Project Improvements”), which Redevelopment Agreement specifies the rights and responsibilities of the Township and the Entity with respect to the Project Improvements and includes provisions for a Financial Agreement between the Township and the Redeveloper (the “Financial Agreement”) establishing a long term tax exemption pursuant to the Long Term Tax Exemption Law (“LTTE”), N.J.S.A 40A:20-1, et seq., and

WHEREAS, pursuant to the requirements of the LTTE, the Entity has submitted an Application for Long Term Tax Exemption to the Township. In addition, the members of the Township Council have reviewed the financial information, including good faith estimates of projected revenues and expenses of the Project, continually updated and ultimately included in said application, at three separate meetings of the Township Council, and said information has been reviewed by members of the Township administration, including the Township Tax Assessor; and

WHEREAS, the application included a proposed form of Financial Agreement, which has been reviewed, and, as revised, approved by the Township Attorney, the final form of said Financial Agreement being incorporated herein and made a part of this Ordinance as Exhibit A; and

WHEREAS, the application and financial information has provided the Township with the basis for determining that the relevant benefits of the redevelopment of the Redevelopment Area outweigh the loss of property tax revenue in granting the long term tax-exemption and approving the Financial Agreement, and, more particularly, and most importantly, assisted the Township in meeting its constitutional obligation to provide for its fair share of the regions affordable housing; and

WHEREAS, the Township Council has determined that the assistance provided to the Project pursuant to the Financial Agreement are a significant and critical inducement for the Entity to proceed with the Project, and more particularly finds that the Project includes 90 affordable housing units, with a reduced set-aside of 210 market rate housing units that would not have been available if the Financial Agreement was not authorized; and

WHEREAS, in addition to the 90 affordable housing units, the Project includes 164 market rate for-rent apartments and 46 market rate for-sale townhomes, and the Financial Agreement provides for a long term tax-exemption for the 164 market rate for-rent apartments and the 90 affordable for-rent apartments and not the 46 market rate for-sale townhomes. The 46 market rate for-sale townhomes are expressly excluded from the Financial Agreement and shall pay the full property taxes assessed against the land and improvements without abatement.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Township Council of the Township of Medford, County of Burlington, State of New Jersey, as follows:

SECTION ONE: The Long Term Tax Abatement for the Arc Wheeler (now Evesboro Place) Project, applicable by way of the provisions of the LTTE, pursuant to which the Entity shall pay an Annual Service Charge (ASC) to the Township, in lieu of the full property tax payments on the improved value of the property which would otherwise be due, and as more particularly set forth in the Financial Agreement, Article 4, is hereby authorized and approved. The Financial Agreement between the Township and Evesboro Place Urban Renewal, LLC, attached hereto and made a part hereof as Exhibit A, is hereby approved and the Mayor and Clerk are hereby authorized to execute and deliver the Financial Agreement.

SECTION TWO: As required by the LTTE, within ten (10) days of the date of final adoption of this Ordinance, the Township Clerk shall file a certified copy of this Ordinance and the executed Financial Agreement with the Chief Financial Officer of Burlington County and the Burlington County Counsel. The Township shall remit five (5%) per cent of the portion of the payment in lieu of taxes to Burlington County actually collected during a tax quarter from the Urban Renewal Entity rather than 5% of the amount due and payable.

SECTION THREE: All Ordinances and provisions thereof inconsistent with the

provisions of this Ordinance shall be and are hereby repealed to the extent of such inconsistency.

SECTION FOUR: If this Ordinance, or any section, paragraph, subdivision, clause or provision hereof, shall be held to be unconstitutional, null, void or invalid by a court of competent jurisdiction, or otherwise, such adjudication shall not be deemed to affect the validity or constitutionality of the balance of this Ordinance and shall apply only to that section, paragraph, subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and in full force and effect.

SECTION FIVE: This ordinance shall take effect immediately upon final passage and publication according to law.

Certification: