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TOWN OF MORRISTOWN

ORDINANCE O - 6 - 2016

ORDINANCE APPROVING THE FINANCIAL AGREEMENT FOR LONG TERM TAX EXEMPTION BY AND BETWEEN THE TOWN OF MORRISTOWN AND MORRISTOWN DEVELOPMENT URBAN RENEWAL PHASE II, LLC

WHEREAS, on February 10, 2004, pursuant to Resolution No. 31-04, the Morristown Town Council (the "Town Council") designated the following parcels as "an area in need of redevelopment" (the "Redevelopment Area") in accordance with the New Jersey Local Redevelopment and Housing Law N.J.S.A. 40A:12A-1 et. seq., as amended and supplemented (the "Redevelopment Law"): Tax Block 5803 Lots 1, 2, 3, 4, 5, 6, 7.01, 7.02, 7.03, 7.04, 7.05, 7.06, 7.07, 7.08, 7.09, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 44.01, 44.02 and 44.03; Tax Block 5702 Lots 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 and 29 and Tax Block 5001 Lots 4, 5, 6, 7, 7.01, 8, 9, 10, 11 and 12, all as shown on the official Tax Maps of the Town of Morristown; and

WHEREAS, on September 18, 2007, pursuant to Ordinance O-30-07, the Town Council adopted a redevelopment plan for the Redevelopment Area, which was amended by adoption of Ordinance O-38-07 by the Town Council on November 29, 2007 (the "Original Redevelopment Plan"); and

WHEREAS, the Original Redevelopment Plan was further amended and restated by (i) adoption of Ordinance O-19-11 by the Town Council on October 13, 2011, (ii) adoption of Ordinance O-41-12 on November 29, 2012 (concerning Phase Four of the Original Redevelopment Plan); and (iii) adoption of Ordinance O-14-15 on June 11, 2015 (which last amendment was adopted in order to, among other things provide for certain amendments and modifications to Phase Two and Phase Three of the Redevelopment Plan) (together with any subsequent amendments thereto, the "Redevelopment Plan"); and

WHEREAS, on January 22, 2009, the Town and Morristown Development, LLC ("Original Redeveloper") entered into a redevelopment agreement, which was approved by the Town Council on December 4, 2008 pursuant to Resolution R-177-08 (the "Original Redevelopment Agreement"); and

WHEREAS, the Original Redevelopment Agreement was amended and restated pursuant to that certain Amended and Restated Redevelopment Agreement between the Town and Original Redeveloper, dated January 12, 2012, which was approved by the Town Council on January 12, 2012 pursuant to Resolution R-27-2012 (the "First Amended Redevelopment Agreement"); and

WHEREAS, Pursuant to that certain Partial Assignment and Assumption of Redevelopment Agreement, dated December 24, 2012, by and between Original Redeveloper and Morristown Development Phase II, LLC (the "Phase Two Redeveloper"), and in accordance with Section 8.03(d) of the First Amended Redevelopment Agreement, Original Redeveloper assigned to the Phase Two Redeveloper all of Original Redeveloper's right, title, interest and obligations as the Redeveloper with respect to Phase Two and Phase Three and the Phase Two Premises and the Phase Three Premises under the First Amended Redevelopment Agreement, and the Phase Two Redeveloper assumed all of Original Redeveloper's right, title, interest and obligations as the

Redeveloper with respect to Phase Two and Phase Three and the Phase Two Premises and the Phase Three Premises under the First Amended Redevelopment Agreement, with Original Redeveloper thereby reserving all of Original Redeveloper's right, title, interest and obligations as the Redeveloper with respect to Phase One and the Phase One Premises under the First Amended Redevelopment Agreement; and

WHEREAS, on September 24, 2015, the Planning Board of the Town of Morristown adopted a resolution granting preliminary and final site plan approval, subdivision approval and deviations, with conditions permitting, inter alia, the construction one hundred eighty five (185) residential units, of which fifteen percent (15%) will be affordable to low- and moderate-income households, and related site improvements (the "Project") to be located within Phase Two of the Redevelopment Area; and

WHEREAS, the First Amended Redevelopment Agreement will be amended with respect to Phase Two and Phase Three pursuant to that certain Amended and Restated Redevelopment Agreement being negotiated between the Town and the Phase Two Redeveloper (together with any subsequent amendments thereto, the "Phase Two Amended Redevelopment Agreement"), which will set forth the terms and conditions by which the Phase Two Redeveloper will redevelop the Project within Phase Two; and

WHEREAS, the Phase Two Redeveloper has formed Morristown Development Urban Renewal Phase II, LLC (the "Entity"), a limited-dividend, urban renewal entity under the New Jersey Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq. (the "LTTE Law") and desires to seek a long term tax exemption for the Project under the LTTE Law; and

WHEREAS, the Entity submitted to the Town Administration (the "Administration") an application for tax exemption, which is on file with the Town Clerk (the "Application"), requesting an exemption of the improvements constituting the Project pursuant to the LTTE Law; and

WHEREAS, the Administration submitted the Application to the Town Council with its recommendation for approval, a copy of which recommendation is on file with the Town Clerk; and

WHEREAS, with the Administration's recommendation for approval of the Application, the Town Council accepted and approved the Application in Resolution R-___-2015, finding that the Project represents an undertaking permitted by the LTTE Law, and constitutes improvements made for the purposes of clearance, replanning, development or redevelopment of an area in need of redevelopment within the Town, as authorized by the Redevelopment Law and the LTTE Law; and

WHEREAS, the Entity also submitted to the Administration, as a separate part of the Application, a form of financial agreement (the "Financial Agreement"), establishing the rights, responsibilities and obligations of the Entity under a tax exemption for the Project; and

WHEREAS, the Administration submitted the Financial Agreement to the Town Council with its recommendation for approval, a copy of which recommendation is on file with the Town Clerk; and

WHEREAS, the Town Council has reviewed the information provided in the Financial Agreement and has deemed it appropriate and acceptable.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Town of Morristown in the County of Morris, New Jersey, as follows:

Section 1. The Financial Agreement, concerning Morristown Development Urban Renewal Phase II, LLC and the Long Term Tax Exemption of the Project under the LTTE Law and the Redevelopment Plan, attached to the Application is hereby approved, and the Mayor is hereby authorized to execute such Financial Agreement, subject to minor modification or revision, as deemed necessary and appropriate after consultation with counsel.

Section 2. The Clerk of the Town is hereby authorized and directed, upon execution of the Financial Agreement by the Mayor, to attest to the signature of the Mayor and to affix the corporate seal of the Town upon such document.

Section 3. The executed copy of the Financial Agreement shall be certified by and be filed with the Office of the Town Clerk. Further, the Clerk of the Town shall file certified copies of this ordinance and the Financial Agreement with the Tax Assessor of the Town and to the Chief Financial Officer of Morris County and to Morris County Counsel in accordance with Section 12 of the Long Term Tax Exemption Law.

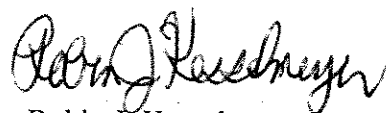
Section 4. If any part(s) of this ordinance shall be deemed invalid, such part(s) shall be severed and the invalidity thereby shall not affect the remaining parts of this ordinance.

Section 5. All ordinances and resolutions or parts thereof inconsistent with this Ordinance are hereby rescinded.

Section 6. This ordinance shall take effect in accordance with applicable law.

I, Robin J. Kesselmeyer, Deputy Town Clerk of the Town of Morristown, do hereby certify the above to be a true and exact copy of the Ordinance duly passed and adopted by the Town Council of the Town of Morristown at the Regular Council meeting held on February 23, 2016.

Dated: February 24, 2016



Robin J. Kesselmeyer
Deputy Town Clerk