

ORDINANCE NO.: 18-07

AN ORDINANCE AUTHORIZING TAX EXEMPTION AND PAYMENT IN LIEU OF TAXES IN CONNECTION WITH THE REDEVELOPMENT PLAN FOR PART OF BLOCK 6200 LOT 1 AND ADOPTING AND AUTHORIZING THE EXECUTION OF A FINANCIAL AGREEMENT FOR PAYMENT IN LIEU OF TAXES WITH LAKESIDE COMMONS URBAN RENEWAL, LLC IN ACCORDANCE WITH NJSA 40A:20-1 ET SEQ

WHEREAS, on July 21, 2010, the Borough of Pompton Lakes adopted Resolution 10-137 designating a portion of the Borough, including the property located at 30-32 Colfax Avenue, identified as Block 6200 Lot 1 (“the Premises”), as an area in need of redevelopment pursuant to NJSA 40A:12A-1 et seq; and

WHEREAS, on April 22, 2009, pursuant to Ordinance 09-01, the Mayor and Council adopted a redevelopment plan for the property known as the “Downtown Pompton Lakes Redevelopment Area” (“the Redevelopment Plan”); and

WHEREAS, Lakeside Commons Realty, LLC currently owns the Premises; and

WHEREAS, Lakeside Commons Realty, LLC formed an urban renewal entity called Lakeside Commons Urban Renewal, LLC (“the Entity”), pursuant to the Long Term Tax Exemption Law, NJSA 40A:20-1 et seq, as amended and supplemented (the “Exemption Law”); and

WHEREAS, the Entity will own the Premises or ground lease the Premises from an affiliate of Lakeside Commons Realty, LLC; and

WHEREAS, the Premises will be developed with a multi-use facility with 52 residential units on the Premises (the “Project”), which will be leased to individual Tenants; and

WHEREAS, the Project is consistent with the goals of the Redevelopment Plan; and

WHEREAS, the Entity has applied to the Borough for a long term tax exemption pursuant to Exemption Law with respect to the Project (the “Application”); and

WHEREAS, the Mayor and Council has recommended the approval of the Application; and

WHEREAS, the Entity has proposed to pay an Annual Service Charge in lieu of taxes on the Project based on gross revenues of the Project, with minimum annual service charges pursuant to NJSA 40A:20-12; and

WHEREAS, the Mayor and Council adopted a Resolution approving the Application of the Entity; and

WHEREAS, the Mayor and Council has determined that it is in the best interest of the Borough to grant a tax exemption and enact this Ordinance to allow the Entity to obtain a program for payments in lieu of taxes, and to approve a financial agreement, in the form attached hereto and incorporated herein as Exhibit A (the “Financial Agreement”), as a means of facilitating the same; and

WHEREAS, the Mayor and Council has determined that the Project will result in significant benefits to the Borough, including the redevelopment of an existing structure, and the creation of jobs during construction and new business that will contribute to the economic growth of the Borough, and the Project can result in significant benefits to the Borough which are far greater to the Borough than the cost, if any, associated with the grant of a tax exemption for the Property.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Pompton Lakes, County of Passaic and State of New Jersey that the Financial

Agreement between the Borough and Lakeside Commons Urban Renewal, LLC, attached hereto as Exhibit A, is approved pursuant to the Long Term Tax Exemption Law, NJSA 40A:20-1 et seq, and , further, the Mayor and Council approves the Annual Service Charge set forth in the Financial Agreement, and hereby authorizes and directs the Mayor and Clerk to execute such Financial Agreement.

BE IT FURTHER ORDAINED as follows:

A certified copy of this Ordinance and the fully executed Financial Agreement shall be provided by the Clerk to the Assessor immediately upon adoption according to law.

A certified copy of this Ordinance and the fully executed Financial Agreement shall be provided by the Clerk to the Chief Financial Officer of the County and the County Counsel within 10 days of adoption of this Ordinance or the full execution of the Financial Agreement, whichever is later, for informational purposes only.

All ordinances or parts of ordinances or resolutions that are in conflict with the provisions of this Ordinance are repealed to the extent necessary.

If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.

This Ordinance shall take effect after approval of the Mayor or in accordance with law and publication and passage according to law.

NOTICE

NOTICE IS HEREBY GIVEN, that the above Ordinance was introduced and passed on first reading at the regular meeting of the Mayor and Borough Council of the Borough of Pompton Lakes, County of Passaic, State of New Jersey held in the Municipal Building on the 14th day of February, 2018, and the same came up for final passage at the regular meeting of the Mayor and Borough Council held on the 28th day of February, 2018, at which time, after persons interested were given the opportunity to be heard concerning said Ordinance, the same was passed and will be in full force and effect in the Borough of Pompton Lakes after approval by the Mayor or in accordance with law.

Approved:

Michael Serra, Mayor

Elizabeth Brandsness, Borough Clerk