

***THIS ORDINANCE SECURES BONDS OR OTHER OBLIGATIONS ISSUED IN ACCORDANCE WITH THE PROVISIONS OF THE REDEVELOPMENT AREA BOND FINANCING LAW AND THE LIEN HEREOF IN FAVOR OF THE OWNERS OF SUCH BONDS OR OTHER OBLIGATIONS IS A MUNICIPAL LIEN SUPERIOR TO ALL NON-MUNICIPAL LIENS HEREINAFTER RECORDED.***

**ORDINANCE AUTHORIZING A FINANCIAL AGREEMENT WITH GP BABCOCK URBAN RENEWAL, L.L.C. FOR CERTAIN PROPERTY WITHIN THE DOWNTOWN REDEVELOPMENT AREA COMMONLY KNOWN AS 28 BABCOCK PLACE AND A PORTION OF 55 LAKESIDE AVENUE**

**WHEREAS**, in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.* (the “Redevelopment Law”), the Township has designated a portion of its downtown area generally bounded by the City of Orange to the southeast, Park Avenue to the southwest, Llewellyn Park to the northwest, and Kling Street to the northeast, and containing those properties identified on the Official Tax Map of the Township as Blocks 64, 66, 115, 116, 116.02 and portions of Blocks 89, 114 and 117 as an area in need of redevelopment (collectively, the “Redevelopment Area”); and

**WHEREAS**, in accordance with the Redevelopment Law, the Township enacted a redevelopment plan for the Redevelopment Area on February 9, 2003 (as thereafter amended and supplemented, and as further amended and supplemented from time to time, the “Redevelopment Plan”); and

**WHEREAS**, concurrently with the final adoption of this Ordinance, the Township has authorized the execution of an amended and restated redevelopment agreement (the “Redevelopment Agreement”) with Prism Green Associates IV, L.L.C. (“Prism” or “Redeveloper”) for a portion of the Redevelopment Area including a portion of Block 115, Lot 15 (commonly known as 55 Lakeside Avenue) and Block 116.02, Lot 12 (commonly known as 28 Babcock Place and collectively with a portion of Block 115, Lot 15, the “Property”); and

**WHEREAS**, Prism is the sole member of Prism Green Urban Renewal Associates IV, L.L.C., having offices at c/o Prism Capital Partners, L.L.C., 200 Broadacres Drive, Bloomfield, New Jersey (“PG IV U.R.E.”); and

**WHEREAS**, PG IV U.R.E. is the sole member of GP Babcock Urban Renewal, L.L.C. (“GP Babcock” or the “Entity”), having offices at c/o Prism Capital Partners, L.L.C., 200 Broadacres Drive, Bloomfield, New Jersey; and

**WHEREAS**, in accordance with the Redevelopment Agreement, Prism will enter into an assignment and assumption agreement (the “Assignment Agreement”) with the Entity to undertake the development of approximately twenty (20) stacked townhomes comprised of ten (10) two-

bedroom units and ten (10) three-bedroom units, one (1) duplex unit comprised of two (2) three-bedroom units, and certain offsite infrastructure improvements (collectively, the “Project”); and

**WHEREAS**, in order to improve the feasibility of the Project and to allow the Project to be competitive, the Entity made an application for a financial agreement pursuant to the Long Term Tax Exemption Law, *N.J.S.A. 40A:20-1 et seq.* (the “Exemption Law”) and *N.J.S.A. 40A:12A-64 et seq.* (the “RAB Law”) with respect to the Property (the “Application”), which Application is on file with the Township Clerk; and

**WHEREAS**, in accordance with the Exemption Law, the Mayor has reviewed the Application and recommended that the Application be approved; and

**WHEREAS**, the Township Council has adopted a Resolution approving the Application; and

**WHEREAS**, in furtherance of the Project, the Township wishes to authorize the execution of a financial agreement with the Entity, a proposed form of which is attached hereto as Exhibit A (the “Financial Agreement”),

**NOW THEREFORE BE IT ORDAINED** by the Mayor and Township Council of the Township of West Orange, New Jersey as follows:

## **I. GENERAL**

The aforementioned recitals are incorporated herein as though fully set forth at length.

## **II. FINDINGS AND DETERMINATIONS**

The Township hereby finds and determines as follows:

### **A. Relative benefits of the Project:**

- i. The Project will provide additional high quality housing in the Downtown Area, creating a twenty-four hour presence supporting the renewal and revitalization of the Redevelopment Area.
- ii. The completion of the infrastructure project will benefit all residents of and visitors to the area.
- iii. The Project is expected to create approximately 31 construction jobs.
- iv. The Project will generate revenue to the Township in excess of the municipal revenue currently generated by ad valorem taxes on the Property.

### **B. Assessment of the importance of the tax exemption in obtaining development of the Project and influencing the locational decisions of probable occupants:**

- i. The tax exemption permits better use of the Property through the completion of the infrastructure project; and

- ii. Without the exemption, the Project would not be able to be financed and constructed in a manner that will allow the implementation of high quality housing at price points that are consistent with the current market; and
- C. Based upon all of the foregoing, the Township has determined that the benefits to the Township accruing as a result of the Project, including but not limited to the revitalization of the Redevelopment Area, the generation of jobs, and the creation of additional high quality housing in the Downtown area, outweigh any costs to the Township resulting from the tax exemption granted herein.

### **III. EXECUTION OF FINANCIAL AGREEMENT CONDITIONALLY AUTHORIZED**

(a) The Mayor of the Township of West Orange is hereby authorized to execute the Financial Agreement (substantially in the form as it has been presented to the Township Council subject to modification or revision deemed necessary or desirable in consultation with redevelopment counsel in order to effectuate the Project described herein), provided that, the Redevelopment Agreement has first been approved by the Governing Body and executed by the Township and the Redeveloper, and the Assignment Agreement has been executed by the Entity and the Redeveloper.

(b) The Clerk of the Township is hereby authorized and directed, upon the execution of the Financial Agreement in accordance with the terms of Section III (a) hereof, to attest to the signature of the Mayor upon such document and is hereby further authorized and directed thereupon affix the corporate seal of the Township upon such document.

(c) The Township Clerk shall file certified copies of this ordinance and the Financial Agreement with the Tax Assessor of the Township. In accordance with P.L. 2015, c. 247, within ten calendar days following the later of the effective date of this Ordinance or the execution of the Financial Agreement by the Entity, the Township Clerk also shall transmit a certified copy of this Ordinance and the Financial Agreement to the chief financial officer of Essex County and to the Essex County Counsel for informational purposes.

### **IV. SEVERABILITY**

If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

### **V. AVAILABILITY OF THE ORDINANCE**

A copy of this Ordinance shall be available for public inspection at the offices of the Township.

### **VI. EFFECTIVE DATE**

This Ordinance shall take effect according to law.

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**Joe Krakoviak**  
**Council President**

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**Karen J. Carnevale, R.M.C.**

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**Robert D. Parisi**  
**Mayor**

**Introduced: August 15, 2017**

**Adopted: September 19, 2017**

Vote on Introduction:

| COUNCIL                                                                      | YES | NO | ABS | N.V. | AB | COUNCIL   | YES | NO | ABS | N.V. | AB |
|------------------------------------------------------------------------------|-----|----|-----|------|----|-----------|-----|----|-----|------|----|
| Krakoviak, Pres.                                                             |     |    |     |      |    | Guarino   |     |    |     |      |    |
| Casalino                                                                     |     |    |     |      |    | McCartney |     |    |     |      |    |
| Cirilo                                                                       |     |    |     |      |    |           |     |    |     |      |    |
| X – Indicate Vote      ABS – Abstain      N.V. – Not Voting      AB – Absent |     |    |     |      |    |           |     |    |     |      |    |

Vote on Second Reading, Public Hearing and Final Adoption:

| COUNCIL                                                                      | YES | NO | ABS | N.V. | AB | COUNCIL   | YES | NO | ABS | N.V. | AB |
|------------------------------------------------------------------------------|-----|----|-----|------|----|-----------|-----|----|-----|------|----|
| Krakoviak, Pres.                                                             |     |    |     |      |    | Guarino   |     |    |     |      |    |
| Casalino                                                                     |     |    |     |      |    | McCartney |     |    |     |      |    |
| Cirilo                                                                       |     |    |     |      |    |           |     |    |     |      |    |
| X – Indicate Vote      ABS – Abstain      N.V. – Not Voting      AB – Absent |     |    |     |      |    |           |     |    |     |      |    |

I HEREBY CERTIFY the foregoing to be a true copy of an Ordinance finally adopted by the West Orange Township Council, in the County of Essex, at its meeting held on **September 19, 2017**.

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Karen J. Carnevale, R.M.C., Municipal Clerk

**Exhibit A**

**Form of Financial Agreement**