

ORDINANCE OF THE TOWNSHIP OF WEST ORANGE, COUNTY OF ESSEX, NEW JERSEY APPROVING AN APPLICATION FOR A LONG-TERM TAX EXEMPTION AND AUTHORIZING THE EXECUTION OF A FINANCIAL AGREEMENT WITH TOMPKINS STREET APARTMENTS URBAN RENEWAL LLC

WHEREAS, on February 9, 2021, the Township Council of the Township of West Orange, in the County of Essex, New Jersey (the “**Township Council**”) adopted Resolution 33-21 authorizing the execution of an Agreement of Sale for the property identified as Block 6, Lot 36.01 on the Township’s Tax Map (the “**Property**”) whereby the Township of West Orange (the “**Township**”) agreed to sell the Property to Tompkins Street Apartments, LLC (the “**Predecessor Entity**”) a predecessor to Tompkins Street Apartments Urban Renewal LLC (the “**Entity**”), a New Jersey limited liability company having its principal office at One Parker Plaza, Fort Lee, New Jersey 07024 for the development of a seventeen (17) unit low and moderate income housing development pursuant to N.J.S.A. 40A:12-21(l) of the Local Lands and Buildings Law; and

WHEREAS, on March 23, 2021, the Township Council adopted Resolution 51-21 authorizing the execution of a Redevelopment Agreement between: (i) the Township; (ii) the Alpert Group, LLC (the “**Alpert Group**”); and (iii) Predecessor Entity, an affiliate of the Alpert Group (the “**Redevelopment Agreement**”); and

WHEREAS, the Redevelopment Agreement governed the redevelopment of an area in need of redevelopment which included the properties identified as: (i) Block 9, Lot 36; (ii) Block 7, Lot 22; and (iii) Block 9, Lot 32 on the Township’s tax map (the “**Central Valley Redevelopment Area**”); and

WHEREAS, the Redevelopment Agreement contained terms which required the Alpert Group through the Entity to construct a seventeen (17) unit low and moderate income housing development on the Property; and

WHEREAS, Section 4.07(a) of the Redevelopment Agreement set forth the description of the required seventeen (17) unit low and moderate income housing development including: (i) three (3) one-bedroom units; (ii) ten (10) two-bedroom units; and (iii) four (4) three-bedroom units (the “**Affordable Housing Component**” or the “**Affordable Housing Project**”); and

WHEREAS, the Township has included the Affordable Housing Component in its Housing Element and Fair Share Housing Plan (the “**Affordable Housing Plan**”) approved by the Superior Court of New Jersey by entry of an Order of Judgment of Compliance and Repose dated March 17, 2021 (the “**Affordable Housing Judgment**”) entered in the Township’s declaratory judgment action captioned In the Matter of the Application of the Township of West Orange, Docket Number ESX-L-4697-15 (the “**Township’s Declaratory Judgment Action**”); and

WHEREAS, on May 4, 2021, the Township Council formally corrected Resolution 33-21 to correct the description of the Property; and

WHEREAS, consistent with Section 4.07(b) of the Redevelopment Agreement, an Affordable Housing Agreement has been prepared which outlines the Entity's obligations as to the marketing, selection of applications, rent and affordability of the Affordable Housing Component consistent with both the Redevelopment Agreement and the Township's Affordable Housing Plan; and

WHEREAS, in order to enhance the economic viability of and opportunity for a successful Affordable Housing Project, the Entity submitted to the Mayor an application dated as of April 7, 2021 (the "**Application**"), which is on file with the Township Clerk, seeking a tax exemption in connection with the Project pursuant to the Long Term Tax Exemption Law, *N.J.S.A. 40A:20-1 et seq.* (the "**Exemption Law**"), in exchange for which the Entity proposes to make payments to the Township in lieu of taxes; and

WHEREAS, the Entity also submitted to the Mayor a form of financial agreement referenced in the Application, establishing the rights, responsibilities and obligations of the Entity; and

WHEREAS, the Mayor submitted the Application and the financial agreement attached hereto as Exhibit A (the "**Financial Agreement**") to the Township Council with his recommendation for approval, a copy of which recommendation is on file with the Township Clerk; and

WHEREAS, the Township Council has determined that the Project represents an undertaking permitted by the Exemption Law,

NOW, THEREFORE, BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WEST ORANGE, NEW JERSEY AS FOLLOWS:

Section 1. The Application for tax exemption and Financial Agreement are hereby approved.

Section 2. The Mayor is hereby authorized to execute the Financial Agreement substantially in the form as attached hereto as Exhibit A, subject to modification or revision as deemed necessary and appropriate after consultation with counsel.

Section 3. The Clerk of the Township 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 Township upon such document.

Section 4. The Township Clerk shall file certified copies of this ordinance and the Financial Agreement with the Tax Assessor of the Township in accordance with Section 12 of the Exemption Law.

Section 5. In accordance with P.L. 2015, c. 247, within ten (10) 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.

Section 6. The Mayor and Township Clerk are hereby authorized to take such action and to execute such other documents, on behalf of the Township, in consultation with counsel, as is necessary to effectuate the terms of the Financial Agreement.

Section 7. 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 8. This ordinance shall take effect in accordance with applicable law.

ROBERT D. PARISI, MAYOR

CINDY MATUTE-BROWN, COUNCIL PRESIDENT

KAREN J. CARNEVALE, R.M.C., MUNICIPAL CLERK

Introduced: August 17, 2021

Adopted: September 14, 2021

EXHIBIT A

FORM OF FINANCIAL AGREEMENT