

ORDINANCE 19-2024
ORDINANCE OF THE TOWNSHIP OF HARDING, COUNTY OF MORRIS,
STATE OF NEW JERSEY, AUTHORIZING THE EXECUTION OF A LONG-
TERM TAX EXEMPTION AGREEMENT, PURSUANT TO THE LONG TERM
TAX EXEMPTION LAW, N.J.S.A. 40A:20-1 ET SEQ., WITH HURSTMONT
ESTATE URBAN RENEWAL, LLC

WHEREAS, on February 25, 2019, the Township Committee of the Township of Harding (the “**Governing Body**”) adopted Resolution No. 17-073 to designate the real properties identified as Block 27, Lot 2 and Block 34, Lot 1 on the Tax Assessment Map of the Township of Harding (the “**Township**”) as an area in need of redevelopment (the “**Redevelopment Area**”) in accordance with the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*, as amended and supplemented (the “**Redevelopment Law**”); and

WHEREAS, the Governing Body by Ordinance 13-2019, enacted June 24, 2019; Ordinance 18-2019, enacted September 30, 2019; and Ordinance 01-2023, enacted January 13, 2023, adopted the Glen Alpin/Hurstmont Redevelopment Plan, which sets forth the plan for the Redevelopment Area (as may be further amended and supplemented, the “**Redevelopment Plan**”); and

WHEREAS, on May 11, 2020, the Township and Hurstmont Estate Acquisition LLC (the “**Redeveloper**”) entered into that certain “Redevelopment Agreement”, as amended by that certain “Amendment to the Redevelopment Agreement” dated October 10, 2023 (collectively, and as may be further amended from time to time, the “**Redevelopment Agreement**”) for the redevelopment of the real property designated as Block 27, Lot 2 (the “**Redevelopment Property**”); and

WHEREAS, pursuant to the Long Term Tax Exemption Law of 1992, *N.J.S.A. 40A:20-1 et seq.* (the “**Tax Exemption Law**”), the Township is authorized to grant a tax exemption within a redevelopment area and for payments in lieu of taxes in accordance with the applicable provisions thereof; and

WHEREAS, Hurstmont Estate Urban Renewal, LLC (the “**Entity**”), an urban renewal entity formed and qualified to do business under the provisions of the Tax Exemption Law and an affiliate of the Redeveloper, proposes to redevelop the northerly portion of the Redevelopment Property (the “**Property**”) with approximately 222 age-restricted residential rental units, consisting of approximately: (i) 110 market-rate units and 31 Affordable Units in the Independent Living Units (as defined in the Redevelopment Plan), (ii) 39 market-rate units and 9 Affordable Units in the Assisted Living Residences (as defined in the Redevelopment Plan), and (iii) 33 market-rate units in the Dementia Care Home (as defined in the Redevelopment Plan) (collectively, the “**Project**”); and

WHEREAS, the Entity has submitted an application, a copy of which is attached as Exhibit A (the “**Exemption Application**”), and a proposed financial agreement, a copy of which is attached as Exhibit B (the “**Financial Agreement**”), to the Township; and

WHEREAS, the Township evaluated the Exemption Application according to certain criteria, which included financial capabilities, experience, expertise, and project concept descriptions; and

WHEREAS, the Township, pursuant to the Tax Exemption Law, hereby finds and determines that the Financial Agreement is to the direct benefit of the health, welfare and financial well-being of the Township and its citizens because it allows for the development of a vacant property, with limited value on the Township’s tax rolls, into a productive, useful and job-creating property, and

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further finds, that the Project will result in significant benefits to the Township, including: (i) the provision of affordable housing; (ii) the development of a mix of senior related housing and health care opportunities; (iii) the expansion of the Patriot's Path walking trail; (iv) the provision for additional preservation of open space; and (v) accommodating the septic demand of the redeveloped historic Glen Alpin property; and

WHEREAS, the Township hereby further finds and determines that without the tax exemption granted in the Financial Agreement the Project is unlikely to be completed; and

WHEREAS, the Township and the Entity desire to enter into the Financial Agreement to set forth the parties' rights and obligations with respect to the tax exemption granted herein and the payment of the Annual Service Charge (as that term is defined in the Financial Agreement attached hereto) by the Entity, in lieu of real property taxes; and

WHEREAS, the Entity owns or will own the Parcel, is qualified to do business under the provisions of the Tax Exemption Law, and has submitted to the Mayor the Exemption Application, which is on file with the Office of the Township Clerk, requesting a tax exemption for the Project; and

WHEREAS, the Mayor has submitted the Application and Financial Agreement to the Governing Body with his written recommendation of approval (the "**Mayor's Recommendation**"), a copy of which is attached hereto as Exhibit C.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Harding, County of Morris, State of New Jersey, as follows:

1. The Exemption Application is hereby approved in accordance with the Mayor's Recommendation.

2. The Township hereby finds and determines that the Financial Agreement is to the direct benefit of the health, welfare and financial well-being of the Township and its citizens because it allows for the development of a vacant and fallow site, not currently on the Township's tax rolls, into a productive, useful and job-creating property, and further (a) the costs associated to the Township with the tax exemption granted herein are minor compared to the benefit created by (i) the construction of age-restricted housing units that will be available at a lower cost than would otherwise be the case, (ii) the creation of numerous construction-related jobs and (iii) the provision for affordable housing to be located in the Township, (iv) the generation of full-time on-site employment, and (v) the preservation of open space and expansion of the Patriot's Path walking trail, and (b) without the tax exemption granted herein it is unlikely that the Project would otherwise be undertaken.

3. An exemption from taxation is hereby granted with respect to the Project for the term set forth in the Financial Agreement, but in no event shall the tax exemption extend beyond the earlier

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of (i) thirty five (35) years from the date of execution of the Financial Agreement or (ii) thirty (30) years from the date of the issuance of a Certificate of Occupancy (as defined in the Financial Agreement) and only so long as the Entity (and each applicable successor) remains subject to and complies with the Financial Agreement and the Tax Exemption Law. To the extent of any inconsistency with any prior Township ordinance and/or Township Code provision governing the granting of long-term tax exemptions, including, *inter alia*, procedures for application, review and approval, required terms of the financial agreement, required conditions and covenants, limits on duration, means of enforcement, and all other matters whatsoever, such prior Township ordinances and/or Township Code provisions are hereby waived (or, alternatively, shall be deemed to be amended and/or superseded by this ordinance) to the extent of such inconsistency, but only with respect to this Ordinance.

4. The Financial Agreement, in substantially the form attached hereto, is approved. The Mayor is hereby authorized to execute, on the Township's behalf, the Financial Agreement in substantially such form, with such editorial changes as the Mayor shall determine, in consultation with the Township's Redevelopment Counsel, such determination to be conclusively evidenced by his execution of the Financial Agreement. The Financial Agreement is not to be signed until the Redeveloper has entered into the Second Amendment to the Redevelopment Agreement with the Township. The Township Clerk is hereby authorized and directed to attest to the execution of the Financial Agreement by the Authorized Officers of the Township as determined hereunder and to affix the corporate seal of the Township to the Financial Agreement.

5. An executed copy of the Financial Agreement shall be certified by the Township Clerk and filed with the Office of the Township Clerk. The Office of the Township Clerk shall also forthwith file certified copies of this ordinance and the Financial Agreement with the Director of the Division of Local Government Services pursuant to *N.J.S.A. 40A:20-12*.

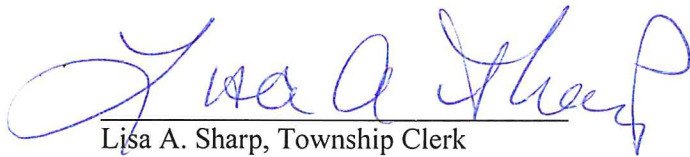
6. The Authorized Officers of the Township are hereby further severally authorized and directed to (i) execute and deliver, and the Township Clerk is hereby further authorized and directed to attest to such execution and to affix the corporate seal of the Township to, any document, instrument or certificate deemed necessary, desirable or convenient by the Authorized Officers or the Township Clerk, as applicable, in their respective sole discretion, after consulting with the Township's Redevelopment Counsel, to be executed in connection with the execution and delivery of the Financial Agreement and the consummation of the transactions contemplated thereby, which determination shall be conclusively evidenced by the execution of each such certificate or other document by the party authorized hereunder to execute such certificate or other document, and (ii) perform such other actions as the Authorized Officers deem necessary, desirable or convenient in relation to the execution and delivery thereof.


7. This ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.

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ATTEST:

TOWNSHIP OF HARDING


 Lisa A. Sharp, Township Clerk


 Timothy D. Jones, Mayor

INTRODUCED: July 15, 2024

ADVERTISED: July 18, 2024

PUBLIC HEARING: August 19, 2024

ADOPTED: August 19, 2024

ADVERTISED: August 22, 2024

Vote on Adoption:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN
Ms. Chipperson		<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Ms. Lacz	2 nd	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Platt		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Yates	1 st	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jones		<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>