

TOWNSHIP OF CHESTERFIELD

ORDINANCE NO. 2021-16

AN ORDINANCE AUTHORIZING AN AGREEMENT FOR TAX EXEMPTION WITH CHESTERFIELD, LLC FOR PROPERTY LOCATED AT THE SHOPPES AT OLD YORK VILLAGE, BLOCK 206.223, LOT 3

WHEREAS, the Five-Year Exemption and Abatement Law, N.J.S.A. 40A:21-1 et seq. (the "Act") enables municipalities which have been designated as in need of rehabilitation to exempt or abate local property taxes imposed upon eligible dwellings, commercial and industrial structures; and

WHEREAS, the certain areas within the Township of Chesterfield (the "Township") were recommended for designation by the Planning Board of the Township in accordance with P.L. 1975, Chapter 104 (now, N.J.S.A. 40A:12A-14) as an area in need of rehabilitation, and through Resolution 2019-17; and

WHEREAS, by Resolution 2019-12-7, the Chesterfield Township Committee accepted the Planning Board's recommendations, and although the Block and Lot number utilized in said Resolution were Block 206.201, Lots 1 & 4, the property under consideration was the then unoccupied commercial/retail building in The Shoppes at Old York Village, and the Tax Block and Lot number have since changed; and

WHEREAS, the Township Committee's designation of same was both published in the newspaper, and sent to the Department of Community Affairs, the former on July 15, 2021, and the latter on July 14, 2021; and

WHEREAS, the State of New Jersey, Department of Community Affairs, approved the designation by letter dated August 4, 2021; and

WHEREAS, said Lots have been numerically re-designated as Block 206.223, Lots 3 & 4; and

WHEREAS, the Property Owner had proposed, and has now constructed, a Project located on property designated as Block 206.223 Lot 3 (the "Land"), more commonly known and identified as part of The Shoppes at Old York Village (the "Property"), upon which has been constructed 17,691+/- square feet of retail space, with fifteen (15) apartments atop said building, and two (2) apartments on the first floor, and two (1) "live/work" units; and

WHEREAS, the Township encouraged and enabled such development, and has previously determined that it would be in the best interests of the Township to grant an abatement of real property taxes pursuant to the authority granted under the Five-Year Exemption and Abatement Law, (N.J.S.A. 40A:21-1 et seq.) (the "Tax Exemption Law") with respect to the improvements constructed in the Project by the Developer; and

WHEREAS, the Property Owner has completed construction of the Project; and

WHEREAS, the Application requested the exemption of the taxable value for the improvements to be constructed as part of the Project and a Payment In Lieu of Property Tax Payments, computed annually on a rolling basis as follows:

- a. In the first full tax year after Completion ("Completion" being issuance of Certificate of Occupancy or Temporary Certificate of Occupancy, whichever occurs earlier) no In Lieu of Property Tax Payment is due;
- b. In the second tax year, an amount equal to 20% of taxes otherwise due;
- c. In the third tax year, an amount equal to 40% of taxes otherwise due;

- d. In the fourth tax year, an amount equal to 60% of taxes otherwise due;
- e. In the fifth tax year, an amount equal to 80% of taxes otherwise due; and

WHEREAS, the Act permits the above abatement for newly constructed Qualifying Commercial or Industrial Structure via a written agreement between the Township and the Property Owner, which agreement shall be authorized by an Ordinance adopted by the Township Committee of the Township of Chesterfield.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Township Committee of the Township of Chesterfield that:

Section 1. Recitals. The recitals are fully incorporated herein.

Section 2. Approval of the Financial Agreement. The Financial Agreement substantially in the form attached hereto as Exhibit A, together with any non-substantive changes as may be required, are hereby approved.

Section 3. Execution of the Financial Agreement. The Township Administrator of the Township of Chesterfield, in the County of Burlington is hereby authorized and directed, upon satisfaction of all the legal conditions precedent to the execution and delivery by the Township of the Financial Agreement, to execute the Financial Agreement in substantially the form of the draft attached hereto and with such non-substantive changes, insertions and omissions thereto as counsel to the Township deems to be necessary or desirable for the execution thereof.

Section 4. Attestation and Sealing of the Financial Agreement. The Clerk of the Township is hereby authorized and directed, upon the execution of the Financial Agreement in accordance with the terms of Section 3 hereof, to attest to the signature of the Township Administrator upon such document and is hereby further authorized and directed thereupon affix the corporate seal of the Township upon such document.

Section 5. Implementation of the Financial Agreement. Upon the execution and attestation and placing of the seal on the Financial Agreement as contemplated by Sections 3 and 4 hereof, the Township Administrator, together with the necessary staff and professionals of the Township, are hereby authorized and directed to (i) deliver the fully executed, attested and sealed document to the other parties thereto and (ii) perform such other actions as the Township Administrator deems necessary or desirable in relation to the execution and delivery of the Financial Agreement.

Section 6. 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.

Section 7. Availability Of The Ordinance. A copy of this Ordinance shall be available for public inspection at the offices of the Township.

Section 8. Effective Date. This ordinance shall take effect in accordance with law, but be retroactive to January 1, 2021.

CHESTERFIELD TOWNSHIP COMMITTEE

Introduced: August 26, 2021

Adopted: September 23, 2021

| RECORD OF VOTE | | | | | | | | | | | | | |
|--|-----|-----|----|----|-----|-----|------------------|-----|-----|----|----|-----|-----|
| INTRODUCTION | | | | | | | ADOPTION | | | | | | |
| TWP COMMITTEE | AYE | NAY | NV | AB | ORD | SEC | TWP COMMITTEE | AYE | NAY | NV | AB | ORD | SEC |
| Dhopte | | | | X | | | Dhopte | X | | | | | X |
| Koetas-Dale | X | | | | X | | Koetas-Dale | X | | | | X | |
| Panfili | X | | | | | | Panfili | X | | | | | |
| Russo | X | | | | | X | Russ | X | | | | | |
| Liedtka | | | X | | | | Liedtka | | | X | | | |
| X – Indicates Vote NV – Not Voting AB – Absent ORD – Motion SEC - Seconded | | | | | | | | | | | | | |