

THE TOWNSHIP OF WASHINGTON

ORDINANCE 23 – 2016

ORDINANCE OF WASHINGTON TOWNSHIP, COUNTY OF GLOUCESTER, NEW JERSEY APPROVING A FINANCIAL AGREEMENT FOR TAX EXEMPTION FOR AN URBAN RENEWAL PROJECT WITH RESPECT TO A PORTION OF THE WASHINGTON SQUARE REDEVELOPMENT AREA LOCATED ON BLOCK 115, LOTS 3.02 and 3.07 (FORMERLY PART OF LOTS 3 AND 3.01).

WHEREAS, pursuant to the provisions of the Redevelopment and Housing Law of the State of New Jersey, N.J.S.A. 40A:12A-1 et seq. (hereinafter the “Redevelopment Law”), the Township directed the Washington Township Planning Board (hereinafter the “Planning Board”) to conduct a preliminary investigation to determine if the area located within the boundaries of Fries Mill Road, Hurffville-Cross Keys Road and the Black Horse Pike qualified as a redevelopment area in accordance with the Redevelopment Law; and

WHEREAS, the Planning Board conducted the preliminary investigation, held public hearings and determined that the designated area was indeed in need of “redevelopment”; and

WHEREAS, the Township adopted an ordinance creating the Washington Square Redevelopment Area (hereinafter the “Redevelopment Area”), and created the Washington Square Redevelopment Plan (the “Redevelopment Plan”) on November 19, 2007 to govern development in the Redevelopment Area, which was then subsequently revised on December 31, 2007, March 3, 2008, September 25, 2008, December 11, 2008 and December 20, 2011; and October 6, 2015; and

WHEREAS, by Ordinance 4-2015, the Township Council approved a Financial Agreement (the “PILOT Agreement”) with Washington Square Urban Renewal, LLC (the “Original Entity”) for a project to be constructed on Block 115 Lots 3 and 3.01 on the Official Tax Map of the Township of Washington (the “Property”) consisting of 70,000 sf of retail space, 100,000 sf of office space and 330 rental apartments (the “Project”), and calling for an annual payment in lieu of tax on the Project improvements equal to 12% of the annual gross rental revenue from the Project; and

WHEREAS, on May 14, 2015, the Township and the Original Entity entered into a PILOT Agreement establishing the terms of a tax exemption and the obligations of the Original Entity; and

WHEREAS, a subdivision of the Property has subsequently been approved by the Planning Board to facilitate the redevelopment of the site; and

WHEREAS, it is in the best interest of the Township and the Original Entity to transfer the rights and obligations under the PILOT Agreement to three separate related, newly-formed urban renewal entities, each of would be responsible for the development of a specific component of the Project ; and

WHEREAS, that portion of the Property identified as Block 115 Lots 3.02 and 3.07 on the Official Tax Map of the Township of Washington, consisting of 4.08 acres (the retail lot) will upon adoption of this Ordinance be conveyed by the Original Entity to a newly formed urban renewal entity known as WS Retail Urban Renewal, LLC (the Succeeding Entity”); and

WHEREAS, the construction of the Project has not yet commenced and the Original Entity now seeks the approval of the Township pursuant to Section 8.01 of the PILOT Agreement to transfer that certain portion of the Project consisting of 30,000 sf of retail space to the Succeeding Entity; and

WHEREAS, on September 21, 2016 the Original Entity submitted an application requesting the Township's consent to transfer and assign to the Succeeding Entity the PILOT Agreement as it pertains to the retail component of that agreement (the "Transfer Application"); and

WHEREAS, upon review of the Transfer Application, the Township has determined that: (a) the Succeeding Entity does not own or lease any other project subject to long term tax exemption at the time of transfer; (b) the Succeeding Entity is formed and eligible to operate under the LTTE Law; (c) the Original Entity is not in default as defined under the PILOT Agreement or the LTTE Law; (d) the Original Entity's obligations under the PILOT Agreement are fully assumed by the Succeeding Entity; and (e) the Succeeding Entity agrees to abide by all terms and conditions of the PILOT Agreement;

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

Section 1. The Recitals are incorporated by reference as if set forth in full.

Section 2. The Transfer Application submitted by the Original Entity is hereby approved in accordance with Section 8 of the LTTE Law and the Township hereby consents to the transfer of those portions of the Financial Agreement and the Project which calls for the construction of 30,000 sf of retail space on Block 115 Lots 3.02 and 3.07 by the Original Entity to the Succeeding Entity.

Section 3. The Township Council, Mayor and Clerk, in consultation with counsel to the Township are hereby authorized to (a) execute all documents required to effectuate the transfer contemplated and approved by this ordinance, (b) prepare, amend or execute any other agreements or documents necessary to effectuate this ordinance, subject to modification or revisions, as deemed necessary and appropriate;

Section 4. The Township is hereby authorized to enter into a PILOT Agreement with the Succeeding Entity as successor in interest to the Original Entity substantially in the form attached hereto granting an exemption from taxation for 30,000 sf of retail space;

Section 5. The Project to be undertaken by the Succeeding Entity shall conform with all federal, state and Township laws, ordinances and regulations relating to its construction and use.

Section 6. The Succeeding Entity shall, in the operation of the Project, comply with all laws so that no person of race, religious principles, color, national origin or ancestry will be subject to discrimination.

Section 7. This ordinance shall take effect in accordance with all applicable laws.

Introduced: October 12, 2016

	NEWMAN	FAZZIO	MARTIN	DONATO	LONGFELLOW
YES	✓	✓	✓	✓	✓
ABSTAIN					
NO					
ABSENT					
RECUSE					

Public Hearing: November 9, 2016

	NEWMAN	FAZZIO	MARTIN	DONATO	LONGFELLOW
YES	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
ABSTAIN	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
NO	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
ABSENT	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
RECUSE	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

TOWNSHIP OF WASHINGTON

BY: 
SEAN LONGFELLOW, COUNCIL PRESIDENT

ATTEST:

JILL MCCREA, TOWNSHIP CLERK

On this 10th day of NOVEMBER, 2016, I hereby approve the above Ordinance.


BARBARA A. WALLACE, MAYOR

I, Jill S. McCrea, do hereby certify this to be a true copy of the original Ordinance adopted by the Washington Township Council on November 9, 2016.


Township Clerk