

ORDINANCE No. 2024- 16

**ORDINANCE AUTHORIZING THE EXECUTION OF AN AMENDED AND RESTATED
TAX ABATEMENT AND PILOT AGREEMENT WITH JADE HACKETTSTOWN
ASSOCIATES URBAN RENEWAL ENTITY, LLC**

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "Redevelopment Law") authorizes the Town to arrange or contract with a redeveloper for the planning, construction or undertaking of any project or redevelopment work in an area designated as an area in need of redevelopment; and

WHEREAS, by Ordinance No. 98-ORD17, adopted on December 14, 1998, the Town designated the property identified on the Town tax map as Block 38, Lots 2, 3, 3.01, 4 and 5; Block 34, Lot 5 (formerly Lots 3, 4, 5 and 7.01); Block 30, Lots 5-9; Block 21, Lots 18.01 and 18.02; Block 41, Lots 17, 21, 22, 23, 24 and 25; Block 41.02, Lots 17, 21, 22, 23, 24, 25, 2929.01, 30 and 32; and a portion of the Bergen Street right-of-way (the "Property" or the "Stiger Street Redevelopment Area") as an area in need of redevelopment in accordance with the Redevelopment Law"); and

WHEREAS, on March 10, 2022, the Town, by Ordinance No. 2022-02, adopted a redevelopment plan for the former Bergen Tool property located within the Stiger Street Redevelopment Area, which consists, in-part, of Lot 18.02 in Block 21 and a portion of the Bergen Street right-of-way (the "Redevelopment Area") entitled the "Bergen Tool Redevelopment Plan" (as may be amended and supplemented, the "Redevelopment Plan"); and

WHEREAS, the Town appointed Jade Hackettstown Associates Urban Renewal, LLC ("Redeveloper") as the redeveloper of the Redevelopment Area; and

WHEREAS, in order to effectuate the Redevelopment Plan, the Town and Redeveloper entered into a redevelopment agreement, dated May 31, 2022, which was amended pursuant to Resolution No. ____-2024 on July 11, 2024 (the "Redevelopment Agreement"); and

WHEREAS, the Redeveloper intends to subdivide the Redevelopment Area into two (2) or more lots to create three (3) distinct project areas, to include: (1) a commercial retail pad site (the "**Commercial Retail Pad Site Project Area**"), (2) one building with a mix of residential and retail units (the "**Mixed-Use Building Project Area**") (collectively the Commercial Retail Pad Site Project Area and the Mixed-Use Building Project Area are referred to as the "**Mixed-Use Project Area**") and (3) fee-simple townhomes and the realignment of Bergen Street for the purpose of connecting to Stiger Street (the "**Townhome Project Area**") (together with certain other on-site and off-site improvements and other obligations as further described in the Redevelopment Agreement; and

WHEREAS, eleven percent (11%), or 11 units, of the residential units will be set aside for affordable housing rental units or, in lieu thereof, the Redeveloper shall make a financial contribution to the Town's Affordable Housing Trust fund in the amount of \$275,000; and

WHEREAS, pursuant to and in accordance with the provisions of New Jersey Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 *et seq.* as amended and supplemented (the "Exemption Law"), the Town is authorized to provide for and accept, in lieu of real property taxes, an annual service charge paid by the Redeveloper to the Town; and

WHEREAS, the Redeveloper submitted an application to the Town Council, and in accordance with the Exemption Law; and

WHEREAS, on or about May 12, 2022, pursuant to Ordinance No. 2022-04, the Town Council entered into a Financial Agreement with the Redeveloper setting forth the terms of payments in lieu of taxes; and

WHEREAS, pursuant to N.J.S.A. 40A:20-9, the Town Council must adopt an ordinance authorizing the execution or amendment of a Financial Agreement with the Redeveloper setting forth the terms of the payments in lieu of taxes; and

WHEREAS, the Redeveloper has requested certain amendments to the Financial Agreement in order to acknowledge revised phasing of the redevelopment of the Property; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the Town of Hackettstown, County of Warren, and State of New Jersey, as follows:

1. The Mayor and Town Clerk are hereby authorized to execute, on behalf of the Town, the First Amended and Restated Financial Agreement in substantially the form annexed hereto as Exhibit "A", and any other agreements or documents necessary to effectuate this ordinance and the Amended and Restated Financial Agreement.
2. The executed copy of the First Amended and Restated Financial Agreement and this ordinance shall be certified by the Town Clerk and filed with the Tax Assessor for the Town and the Director of the Division of Local Government Services.
3. This ordinance shall take effect in accordance with all applicable laws.

ORDINANCE 2024-16- NOTICE

Notice is hereby given that the aforesaid ordinance was introduced at a regular meeting of the Common Council of the Town of Hackettstown, New Jersey, held on July 11, 2024, and that a regular meeting of the same to be held on August 22, 2024 at the Municipal Building, 215 Stiger Street, Hackettstown, New Jersey, at the hour 7:00 o'clock in the evening, the said Common Council will consider the final passage of said ordinance.

P.J. Reilly
Town Clerk/Administrator