

**TOWNSHIP OF WARREN
ORDINANCE NO. 13-23**

**ORDINANCE OF THE TOWNSHIP OF WARREN, COUNTY OF SOMERSET,
NEW JERSEY, APPROVING THE EXEMPTION APPLICATION AND
THE FINANCIAL AGREEMENT FOR TAX EXEMPTION OF 29 DUBOIS ROAD
URBAN RENEWAL, LLC FOR THE FORMER KNITTING MILL
REDEVELOPMENT PROJECT.**

WHEREAS, 29 Dubois Road Urban Renewal, LLC, an urban renewal entity (hereinafter "URE"), was formed and qualified to do business under the provisions of the Long Term Tax Exemption Law, namely NJSA 40A:20-1 et seq.(the "Tax Exemption Law"); and

WHEREAS, URE owns a certain parcel known as Lot 6.01 in Block 79 as set forth on the current Township Tax Map, as is more commonly known as 29 DuBois Road (Block 79, Lot 6.01) , Warren, New Jersey (the "Property"); and

WHEREAS, the Township Committee of the Township of Warren (the "Township Committee"), by Resolution No. 2009-118 duly adopted on May 7, 2009, authorized the Planning Board to undertake a preliminary investigation to determine whether the land known as 29 DuBois Road (Block 79, Lot 6.01) (the "Study Area"), situated in the Township of Warren, Somerset County, New Jersey, should be declared an "an area in need of redevelopment" according to the criteria set forth in Section 5 of the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (hereinafter "Redevelopment Law"); and

WHEREAS, John T. Chadwick, IV, P.P., Township Planner, submitted a report to the Planning Board entitled "Preliminary Redevelopment Area Study: The Knitting Mill/DuBois Road" dated June 29, 2009, revised September 10, 2009 (the "Redevelopment Area Study"), detailing the statutory criteria for determining whether the Study Area constituted "an area in need of redevelopment," and which Redevelopment Study provided extensive information supporting a recommendation to the Planning Board that the aforesaid Study Area met the statutory criteria; and

WHEREAS, after a public hearing held on October 26, 2009 and in accordance with N.J.S.A. 40:12A-6, the Planning Board, on November 23, 2009, adopted a Resolution recommending that the Study Area be designated as an "area in need of redevelopment" pursuant to the Redevelopment Law; and

WHEREAS, after a review of the Study Area and the recommendation of the Planning Board, the Township Committee adopted Resolution No. 2010-33 designating the Study Area as an area in need of redevelopment pursuant to the Redevelopment Law (the "Redevelopment Area"); and

WHEREAS, the Township Planner has prepared and submitted a redevelopment plan entitled, "DuBois Road Redevelopment Plan" (the "Redevelopment Plan"), outlining the planning, development and redevelopment of the Redevelopment Area in accordance with the provisions of N.J.S.A. 40A:12A-7; and

WHEREAS, on May 19, 2011, the Township Committee adopted Ordinance 11-06 adopting the Redevelopment Plan for the Redevelopment Area; and

WHEREAS, on May 16, 2013, the Township Committee adopted Ordinance 13-03 adopting Amendment #1 to the Redevelopment Plan for the Redevelopment Area; and

WHEREAS, the Property is located in the Redevelopment Area, as required by the Tax Exemption Law, more specifically N.J.S.A. 40A:20-4; and

WHEREAS, the Redeveloper proposes to redevelop 29 DuBois Road (Block 79, Lot 6.01) located in the Redevelopment Area (hereinafter referred to as the "Project Site"), by developing a residential project consisting of the construction of not more than 35 townhouse style residential units in multiple buildings (the "Improvements" and together with the Property, the "Project" or "Redevelopment Project") for the benefit of the Township; and

WHEREAS, URE has submitted an application on October 21, 2013 to the Township for the approval of an urban renewal project, as such term is used in the Tax Exemption Law, all in accordance with Section 8 thereof; and

WHEREAS, absent the tax incentives provided by the Tax Exemption Law, URE would likely not proceed with the Project; and

WHEREAS, the Township Committee hereby determines that the relative benefits of the Project outweigh the cost of the tax exemption, for the following reasons:

1. the Project is expected to create approximately 200 jobs during construction and approximately 15 new permanent jobs thereafter;
2. the Project will contribute to the economic growth of businesses in the surrounding area;
3. the Project will further the overall redevelopment objectives of the Redevelopment Area; and,
4. the Township's impact analysis indicates that the benefits of the Project outweigh the costs to the Township, and

WHEREAS, the Township Committee hereby determines that the tax exemption is important in obtaining development of the Project and influencing the locational decisions of probable occupants for the following reasons:

1. the relative stability and predictability of the Annual Service Charges will make the Project more attractive to investors needed to finance the Project;
2. the relative stability and predictability of the Annual Service Charges will attract Unit Purchasers to the Project and insure the likelihood of the success of the Project; and

WHEREAS, Township Committee has determined after a detailed, critical evaluation, that the relative benefits of approving the Exemption Application outweigh the costs thereof and are in the Township's best interest; and

WHEREAS, the Township Committee and URE have reached agreement with respect to, among other things, the terms and conditions relating to the Financial Agreement, the form of which Financial Agreement is attached hereto and made a part hereof (the "Financial Agreement"); and

WHEREAS, the Township Committee adopts this Ordinance, as required by the Tax Exemption Law, approving the Exemption Application and authorizing the execution of the Financial Agreement.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township Warren, Somerset County, New Jersey as follows:

SECTION I The Mayor is hereby authorized to execute the Financial Agreement attached hereto as Exhibit "A", subject to minor modification or revision, as deemed necessary and appropriate after consultation with counsel.

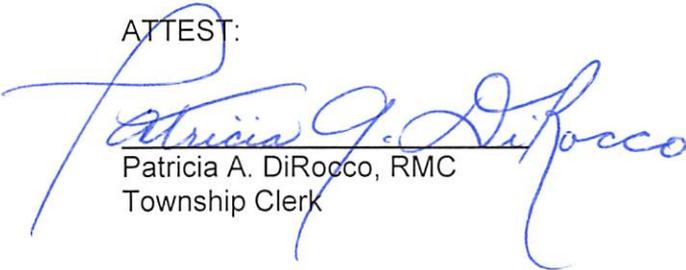
SECTION II The Clerk of the Township is hereby authorized and directed, upon execution of the Financial Agreement by the Mayor, to attest to the signature of the Mayor and to affix the corporate seal of the Township upon such document.

SECTION III The executed copy of the Financial Agreement shall be certified by and be filed with the Office of the Township Clerk. Further, the Clerk of the Township shall file certified copies of this ordinance and the Financial Agreement with the Tax Assessor of the Township and the Director of the Division of Local Government Services with the Department of Community Affairs, in accordance with Section 12 of the Tax Exemption Law.

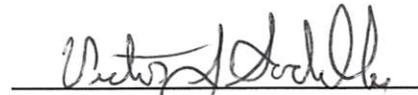
SECTION IV The Township Attorney is directed to forward a certified copy of this Ordinance, once adopted, together with an executed original of the Financial Agreement, to the Somerset County Clerk for recording.

SECTION V This ordinance shall take effect immediately after adoption and publication in accordance with applicable law.

ATTEST:


Patricia A. DiRocco, RMC
Township Clerk

TOWNSHIP OF WARREN


Victor J. Sordillo
Mayor

INTRODUCED October 24, 2013

ADOPTED NOVEMBER 13, 2013

EFFECTIVE NOVEMBER 21, 2013