

EXPLANATION: This Ordinance revokes and rescinds Ordinance 19-36 which authorized a Financial Agreement by and between the Township of Warren and RUDR SJ Urban Renewal Redevelopment, LLC.

TOWNSHIP OF WARREN

ORDINANCE NO. 20-22

**AN ORDINANCE OF THE TOWNSHIP OF WARREN, COUNTY OF SOMERSET,
STATE OF NEW JERSEY, RESCINDING ORDINANCE NO. 19-36
ADOPTED JULY 18, 2019**

WHEREAS, by Resolution No. 2017-103 adopted on March 16, 2017, the Township Committee of the Township of Warren (the “Committee”) designated property (the “Property”) located at Block 78, Lot 12 as shown on the Tax Map of the Township of Warren as “a non-condemnation area in need of redevelopment” (the “Redevelopment Area”); and

WHEREAS, pursuant to Ordinance No. 2017-19, the Township Committee adopted a redevelopment plan (the “Redevelopment Plan”) for the Redevelopment Area; and

WHEREAS, Redeveloper intended to redevelop the Property by constructing thirteen (13) condominium units in one (1) building, together with associated parking on the Property (the “Project”); and

WHEREAS, by Resolution 2019-136, adopted on July 18, 2019, the Committee designated Rudr SJ Urban Renewal Redevelopment, LLC (“Redeveloper”) as the redeveloper of the Redevelopment Area in accordance with the Redevelopment Law, and authorized the execution of a Redevelopment Agreement between the Township and Redeveloper (the “Redevelopment Agreement”); and

WHEREAS, the Township and Redeveloper also executed a Financial Agreement (the “Financial Agreement”) dated July 18, 2019 whereby the Redeveloper would pay the Township an Annual Service Charge for municipal services in lieu of any taxes on the improvements as permitted by the New Jersey Tax Exemption Law (the “LTTEL”), N.J.S.A. 40A:20-1 et seq., as amended and supplemented; and

WHEREAS, by letter dated November 18, 2019, the Township Attorney, at the direction of the Township Committee, placed the Redeveloper in Default under the terms of the Redevelopment Agreement and provided the requisite 45 day “cure period” to construct the Project; and

WHEREAS, the Redeveloper has failed within the “cure period” to construct the project and under Section 5.1 of the Redevelopment Agreement has “abandoned” the Property; and

WHEREAS, the Township Committee finds the Redeveloper in Default of the Redevelopment Agreement and the Financial Agreement and further finds that these documents are of no further legal force or effect; and

WHEREAS, the Township Committee has been advised by the Redeveloper and owner of the Redevelopment Area that the Project is no longer economically feasible despite repeated efforts to market same for such use, and the Redeveloper now proposes to develop a childcare facility on the Redevelopment Area (the “Proposed Use”); and

WHEREAS, the Township Committee is about to adopt an ordinance authorizing an Amended and Restated Redevelopment Plan for the Proposed Use to be located on the Property but has no intentions of allowing for an Annual Service Charge in lieu of any real estate taxes on the Property with respect to the Proposed Use.

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

1. The Financial Agreement by and between the Township and Redeveloper is hereby revoked and rescinded in its entirety.
2. Upon adoption of this Ordinance, the Township Clerk shall file a certified copy of this Ordinance with the Tax Assessor of the Township, the Chief Financial Officer of Somerset County and Somerset County Counsel.
3. This Ordinance shall take effect upon adoption and publication according to law.

Attest:

TOWNSHIP OF WARREN

Cathy Reese, RMC
Township Clerk

Michael C. Marion, Mayor

INTRODUCED: June 18, 2020

ADOPTED: July 16, 2020

EFFECTIVE: July 23, 2020