TOWNSHIP OF EVESHAM
ORDINANCE NO. 23-12-2016

AN ORDINANCE OF THE TOWNSHIP OF EVESHAM AUTHORIZING A TAX ABATEMENT AGREEMENTS PURSUANT TO THE PROVISIONS OF N.J.S.A. 40A:21-1 et seq., WITH:

MARLTON SOUTH, LLC FOR
PROPERTY KNOWN AS 12 SOUTH MAPLE AVENUE

MJ ASSOCIATES, LLC FOR
PROPERTY KNOWN AS 42 EAST MAIN STREET

WITH THE VIEW AT MARLTON, LLC FOR
PROPERTY KNOWN AS 1011, 1021, 1031, 1041 AND 1051 ROUTE 73

WHEREAS, a Redeveloper's Agreement was entered into by and between the Township of Evesham and Marlton South, LLC on May 19, 2015, providing for the redevelopment by Marlton South, LLC (hereinafter "Redeveloper"), of that certain lot, tract or parcel of land and premises located at 12 South Maple Avenue, Marlton, New Jersey, and also now known as Block 4.01, Lot 16.02 on the Township tax maps, which property had previously been designated as "An Area in Need of Rehabilitation" by the Township of Evesham pursuant to Resolution 190-2013 and Resolution 339-2014; and

WHEREAS, a Redeveloper's Agreement was entered into by and between the Township of Evesham and MJ Associates, LLC on May 19, 2015, providing for the redevelopment by MJ Associates, LLC (hereinafter "Redeveloper"), of that certain lot, tract or parcel of land and premises located at 42 East Main Street, Marlton, New Jersey, and also known as Block 4.09., Lot 11.01 on the Township tax maps, which property had previously been designated as "An Area in Need of Rehabilitation" by the Township of Evesham pursuant to Resolution 190-2013; and

WHEREAS, a Redeveloper's Agreement was entered into by and between the Township of Evesham and Lazgor, LLC, now known as The View at Marlton, LLC, on April 16, 2015, providing for the redevelopment by Lazgor, LLC (hereinafter "Redeveloper"), of that certain lot, tract or parcel of land and premises located at 1101, 1021, 1031, 1041 and 1051 Route 73 North, Marlton, New Jersey, and also known as Block 1.10., Lots 4, 5 and 7 on the Township tax maps, which property had previously been designated as "An Area in Need of Rehabilitation" by the Township of Evesham pursuant to Resolution 190-2013; and

WHEREAS, as an inducement to Redeveloper to redevelop said properties, the parties agreed to enter into Five Year Financial Agreements pursuant to N.J.S.A. 40A:21-1 *et seq*.; and

WHEREAS, Marlton South, LLC, MJ Associates, LLC and Lazgor, LLC (now known as The View at Marlton, LLC) have submitted or will submit timely applications for said Financial Agreements as required by the Redevelopment Agreements, and pursuant to the provisions of N.J.S.A. 40A:21-1 et seq., and the Township Council deems it to be appropriate to authorize same, subject to the eventual execution of such an Agreement which will be subject to further resolution of the governing body.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Township Council of the Township of Evesham, County of Burlington, State of New Jersey the Township Manager and Clerk are hereby authorized and directed to negotiated Tax Abatement Agreement with Marlton South, LLC, MJ Associates, LLC and Lazgor, LLC to be prepared by the Township Solicitor and eventually approved by the Township Council by separate Resolution, for certain properties known as:

12 South Maple Avenue, Marlton, New Jersey, and also known as Block 4.01, Lot 16.02 (Marlton South, LLC)

42 East Main Street, Marlton, New Jersey, and also known as Block 4.09., Lot 11.01 (MJ Associates, LLC)

1101, 1021, 1031, 1041 and 1051 Route 73 North, Marlton, New Jersey, and also known as Block 1.10., Lots 4, 5 and 7 (Lazgor, LLC, now known as The View at Marlton, LLC)

subject to input from both the Township Manager and Township Chief Financial Officer;

BE IT FURTHER ORDAINED that the abatement contemplated herein shall be applicable by way of the provisions of N.J.S.A. 40A:21-10(c), the Township choosing a "tax phase-in basis", pursuant to which the Redeveloper shall pay to the municipality, full taxes on the land component of the property, and then, a separate payment in lieu of full property tax payments on the improved value of the property, in an amount equal to a percentage of taxes which would otherwise be due, according to the following schedule:

1. In the first full Tax Year after completion, no Payment In Lieu Of Taxes on the improved value of the property shall be due, except that the fair market value of the property, pre-approval, pre-construction, shall serve as the "baseline figure" for taxes which shall be paid upon said "baseline figure";
2. In the Second Tax Year, an amount not less than twenty percent (20%) of the taxes otherwise due on the approved, improved value of the property, with one hundred percent (100%) due by way of taxes on the "baseline figure";
3. In the Third Tax Year, an amount not less than forty percent (40%) of the taxes otherwise due on the approved, improved value of the property, with one hundred percent (100%) due by way of taxes on the "baseline figure";
4. In the Fourth Tax Year, an amount not less than sixty percent (60%) of the taxes otherwise due on the approved, improved value of the property, with one hundred percent (100%) due by way of taxes on the "baseline figure";
5. In the Fifth Tax Year, an amount not less than eighty percent (80%) of the taxes otherwise due on the approved, improved value of the property, with one hundred percent (100%) due by way of taxes on the "baseline figure";

In the event Redeveloper fails to pay either taxes due, or the PILOT payment due, within thirty (30) days of notice of delinquency, the Financial Agreement may be declared null and void by the Township Council and the property shall be fully assessed and full ad valorem taxes shall become due and payable retroactive to the quarter of the year in which Redeveloper first defaults.

BE IT FURTHER ORDAINED AND ENACTED, that this Ordinance shall take effect upon proper passage in accordance with the law;

BE IT FURTHER ORDAINED, that within thirty (30) days after the execution of the Tax Agreement to be signed by and between the parties, the Township Clerk shall forward a copy of the Agreement to the Director of the Division of Local Government Services and the Department of Community Affairs.

Please take notice that the ordinance published herewith was introduced and passed on first reading at the Regular Meeting of the Township Council of the Township of Evesham in the County of Burlington, State of New Jersey, held on November 22, 2016, and said ordinance will be further considered for final passage after public hearing at a meeting of said Township Council to be held on December 13, 2016, at 6:30 P.M. in the Municipal Complex, 984 Tuckerton Road, Marlton, New Jersey, at which time and place all persons interested will be given an opportunity to be heard concerning such ordinance.

Mary Lou Bergh, RMC
Township Clerk