

FIRST READING: January 2, 2024

Ord: No. 68-1

2nd and FINAL READING:

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LINDEN, COUNTY OF UNION, NEW JERSEY AUTHORIZING THE SALE OF BLOCK 254, LOT 9 (COMMONLY KNOWN AS 31-45 WEST ELIZABETH AVENUE) TO THE APARTMENTS AT LINDEN STATION URBAN RENEWAL, LLC FOR THE PURCHASE PRICE OF \$1,150,000.00 PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET SEQ.

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “**Redevelopment Law**”), authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

WHEREAS, on June 18, 2019, the City Council of the City (the “**City Council**”), pursuant to *N.J.S.A. 40A:12A-6*, authorized the Planning Board of the City (the “**Planning Board**”) to determine whether the property identified as Block 254, Lots 1-10 on the official tax map of the City (“**Study Area**”), met the statutory criteria for designation as an “area in need of redevelopment” pursuant to the Redevelopment Law; and

WHEREAS, on September 10, 2019, the Planning Board undertook said investigation and conducted a public hearing, all in accordance with *N.J.S.A. 40A:12A-6*, and recommended to the City Council that the Study Area satisfied certain statutory criteria and thus constituted an area in need of redevelopment in accordance with the Redevelopment Law; and

WHEREAS, on September 17, 2019, the City Council adopted a Resolution 2019-348, which designated the Study Area as an area in need of redevelopment (the “**Redevelopment Area**”); and

WHEREAS, in order to facilitate the redevelopment of the Study Area, the City Council also authorized the preparation of a redevelopment plan for the Property pursuant to the authority granted under the Redevelopment Law, that was adopted, after review and comment by the Planning Board, by the City Council on; and

WHEREAS, Ricci Planning prepared the redevelopment plan entitled “Redevelopment Plan – Block 254, Lots 1 through 10,” (the “**Redevelopment Plan**”), providing the development standards for the Study Area; and

WHEREAS, on January 21, 2020, pursuant to the Redevelopment Law, the City Council referred the Redevelopment Plan to the Planning Board for review and comment; and

WHEREAS, on February 11, 2020, the Planning Board reviewed and recommended the Redevelopment Plan; and

WHEREAS, on March 17, 2020, the City Council, having received and reviewed the recommendations of the Planning Board to the Redevelopment Plan, adopted the Redevelopment Plan by way of Ordinance No. 64-07; and

WHEREAS, on July 21, 2020, by way of Resolution 2020-238, the City further affirmed and clarified the designation of the Redevelopment Area as an area in need of redevelopment (condemnation); and

WHEREAS, pursuant to *N.J.S.A. 40A:12A-4*, the City Council has designated the City to act as the “Redevelopment Entity” (as such term is defined at *N.J.S.A. 40A:12A-3*) for the Redevelopment Area and to exercise the powers contained in the Act to facilitate the development of the Project (as defined herein); and

WHEREAS, The Apartments at Linden Station Urban Renewal, LLC (the “**Redeveloper**”) made application to be designated as the redeveloper for the Property, and Redeveloper has provided information consisting of documentation evidencing financial responsibility and capability with respect to the Project (as defined herein), estimated total development costs, and estimated time schedule for commencement and completion of construction; and

WHEREAS, the City determined that the Redeveloper met all necessary criteria, including financial capabilities, experience, expertise and project concept descriptions, and, as a result, determined enter into a redevelopment agreement to designate the Redeveloper as the exclusive redeveloper as to the Property; and

WHEREAS, pursuant to a Request for Proposals/Request for Qualifications issued by the City to develop the Project Area on April 3, 2020, Redeveloper submitted a proposal in furtherance of its proposed development for the Project Area for which Redeveloper shall be the contract purchaser, and Redeveloper has provided information consisting of documentation evidencing financial responsibility and capability with respect to the Project (as defined herein), estimated total development costs, and estimated time schedule for commencement and completion of construction; and

WHEREAS, on May 19, 2020, by way of Resolution 2020-191, the City conditionally designated Apartments Seldom Scene, LLC (an affiliate of Redeveloper), as redeveloper of the Redevelopment Area for a period not to exceed 180 days, with two (2) additional, 90-day extensions at the City’s sole discretion, in furtherance of the negotiation of comprehensive redevelopment and financial agreements to govern the Redevelopment Area; and

WHEREAS, on September 15, 2020, in order to implement the development, financing, construction, operation and management of the Project, the City, pursuant to Resolution 2020-289, authorized the execution of a redevelopment and purchase and sale agreement with Redeveloper, which agreement specified the rights and responsibilities of the City, designated Redeveloper as redeveloper of the Property and specified the rights and responsibilities of Redeveloper with respect to the Property (the “**Original Redevelopment Agreement**”); and

WHEREAS, on December 29, 2020, pursuant to Ordinance 64-59, the City approved Redeveloper’s application for a long-term tax exemption for the Project in accordance with the Long Term Tax Exemption Law, *N.J.S.A. 40A:20-1, et seq.*, and on February 25, 2021, the City and Redeveloper executed a Financial Agreement granting a tax exemption in accordance with the terms thereof; and

WHEREAS, on April 26, 2022, the City filed a Verified Complaint in the Superior Court of New Jersey, Law Division, Union County (Docket No. UNN-L-001232-22) pursuant to the Eminent Domain Act (*N.J.S.A. 20:3-1 et seq.*) to acquire by condemnation the property known as Block 254 Lots 1-8 on the Official Tax Map of the City of Linden (the “**Clarke Property**”); and

WHEREAS, in order to properly reflect certain design modifications in the Project, on the recommendation of the Planning Board, the City Council did on April 18, 2023 adopt certain amendments to the Redevelopment Plan, by way of Ordinance 67-25; and

WHEREAS, in order to implement the development, financing, construction, operation and management of a seven-story, mixed use building containing of 334 residential units (207 1 BR and 127 2 BR), two levels of enclosed parking having 338 parking spaces, 1,000 square feet of management office space, as well as approximately 13,000 square feet of ground floor retail space, all to be situated on Block 254, Lots 1-9 of the Property (the “**Project**”), the City, pursuant to Resolution 2023-200, adopted April 18, 2023, approved a Restated Redevelopment and Purchase and Sale Agreement with Redeveloper (the “**Restated Redevelopment Agreement**”), which specifies the rights and responsibilities of the City, continues the designation of Redeveloper as redeveloper of the Project Area and specifies the rights and responsibilities of Redeveloper with respect to the Project

WHEREAS, pursuant to Section 13.2 of the Restated Redevelopment Agreement, Redeveloper agreed to acquire the property designated as Block 254, Lot 9 on the tax maps of the City, more commonly known as 31-45 West Elizabeth Avenue (the “**City Property**”), from the City, and therefore the City now desires to authorize the sale of the City Property to the Redeveloper to permit the Redeveloper to complete the redevelopment of the Redevelopment Area.

NOW THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF LINDEN, NEW JERSEY AS FOLLOWS:

Section 1. The foregoing recitals are incorporated herein as if set forth in full.

Section 2. Pursuant to the authority granted under the Redevelopment Law, the City, in consultation with counsel, is authorized to convey the City Property to the Redeveloper for the total purchase price of \$1,150,000.00, in accordance with the terms of the Restated Redevelopment Agreement, for development in furtherance of the Redevelopment Plan.

Section 3. The Mayor and City Clerk, in consultation with counsel, are authorized to execute such documents as are necessary to effectuate the sale and transfer of the City Property in accordance with the terms of this Ordinance.

Section 4. If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereof shall not affect the remaining parts of this Ordinance.

Section 5. A copy of this Ordinance shall be available for public inspection at the offices of the City Clerk.

Section 6. This Ordinance shall take effect at the time and in the manner as approved by law.

PASSED:

Council President

APPROVED:

Mayor

ATTEST:

City Clerk

I, JOSEPH C. BODEK, City Clerk of the City of Linden, in the County of Union and State of New Jersey, DO HEREBY CERTIFY that the foregoing is a true copy of the resolution adopted by the Municipal Council of the City of Linden at a meeting held on _____, 2024 as the same is taken from and compared with the original now remaining on file and of record in my office.

IN WITNESS WHEREOF, I have set my hand and affixed the corporate seal of the City of Linden, this ___ day of _____, 2024.

JOSEPH C. BODEK, City Clerk

