

CITY OF PLAINFIELD

MC 2023-40

AN ORDINANCE OF THE CITY OF PLAINFIELD APPROVING A TAX EXEMPTION IN ACCORDANCE WITH THE FIVE YEAR TAX EXEMPTION AND ABATEMENT LAW, N.J.S.A. 40A:21-1 ET SEQ. AND AUTHORIZING THE EXECUTION OF A TAX AGREEMENT WITH LE DEVELOPMENT AT PLAINFIELD, LLC IN CONNECTION WITH PROPERTY IDENTIFIED ON THE CITY TAX MAPS AS BLOCK 837, LOT 1

WHEREAS, the State of New Jersey (the “**State**”) designated a certain area within the City as an “Urban Enterprise Zone” pursuant to the New Jersey Urban Enterprise Zones Act, N.J.S.A. 52:27H-60 et seq. (the “**UEZ Act**” and those parcels located within the designated Urban Enterprise Zone shall hereinafter be the “**UEZ**”); and

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 or areas in need of rehabilitation, as such terms are defined in the Redevelopment Law; and

WHEREAS, on September 12, 2016, the Council in the City of Plainfield (the “**City Council**”) adopted resolution R 324-16 authorizing the Planning Board (the “**Board**”) to conduct a review of those properties in the UEZ and adjacent and contiguous properties separated by public rights of way within the City of Plainfield (the “**Rehabilitation Area**”) to determine if these properties qualify as an area in need of rehabilitation; and

WHEREAS, on January 17, 2017, the Council adopted resolution R 059-17 designating the Rehabilitation Area as an area in need of rehabilitation (the “**2017 Rehabilitation Area**”) in accordance with N.J.S.A. 40A:12A-14; and

WHEREAS, the 2017 Rehabilitation Area included Block 837, Lot 1 on the Tax Map of the City; and

WHEREAS, on February 10, 2020, by Ordinance MC 2020-01, the Council enacted a redevelopment plan entitled the TODD South Redevelopment Plan, prepared by Nishuane Group, LLC (the “**Planning Consultant**”) and dated December 19, 2019 (as was subsequently amended and supplemented, the “**Redevelopment Plan**”); and

WHEREAS, on October 11, 2022, the Council adopted Resolution R 363-22 directing the Board to amend the Redevelopment Plan to include Block 837, Lot 1, which was previously designated as an area in need of rehabilitation by the adoption of Resolution R 059-17 on January 17, 2017; and

WHEREAS, the Board caused the Planning Consultant to prepare an amendment to the Redevelopment Plan to include Block 837, Lot 1, among other revisions, dated January 19, 2023 (the “**2023 Plan Amendment**”), which was reviewed by the Board on January 19, 2023 during a duly noticed public hearing; and

WHEREAS, on February 2, 2023, the Board adopted a resolution memorializing its findings, finding that the 2023 Plan Amendment is consistent with the City’s Master Plan and recommending the adoption of the 2023 Plan Amendment; and

WHEREAS, on April 10, 2023, the Council adopted Ordinance 2023-04 authorizing the 2023 Plan Amendment; and

WHEREAS, LE Development at Plainfield, LLC (the “**Entity**”) is the contract purchaser of certain property within the 2017 Rehabilitation Area identified on the tax maps of the City as

Block 837, Lot 1 and identified in the tax records as 117-127 East 7th Street, Plainfield (the “**Property**”); and

WHEREAS, the Entity proposes to purchase the Property and to develop thereon a six story residential building with 136 rental units and 136 parking spaces (approximately 18 of which shall be make ready electric vehicle charging stations) with other on site and off site improvements (the “**Project**”); and

WHEREAS, pursuant to Resolution No. R 327-23 adopted on September 11, 2023, the City authorized the execution of a redevelopment agreement by and between the City and the Entity setting forth the terms and conditions for the construction of the Project on the Property (the “**Redevelopment Agreement**”); and

WHEREAS, pursuant to and in accordance with the provisions of the Five Year Tax Exemption and Abatement Law, N.J.S.A. 40A:21-1 et seq. (the “**Exemption Law**”), Redevelopment Law, and City Code Article 4 (defined below), the City is authorized to provide for a tax exemption and for payments in lieu of taxes in an area in need of rehabilitation or area in need of redevelopment; and

WHEREAS, the City Council determined that the authorization of tax exemptions for the construction of commercial structures, industrial structures and multiple dwellings, and/or the conversion of multiple dwellings within the Rehabilitation Area are in the best interests of the City and shall facilitate the rehabilitation and redevelopment of the Rehabilitation Area for productive use; and

WHEREAS, in furtherance of such determination on July 9, 2018, through the adoption of Ordinance No. 2018-19, codified as City Code Article 4, Section 6:4-1 et seq (the “**City Code Article 4**”), the City Council approved certain procedures for the application, approval and administration of certain tax agreements per the Exemption Law; and

WHEREAS, in order to facilitate the development of the Property and effectuate the redevelopment of same, the Entity submitted an application to the City Council for a tax exemption, all in accordance with the Exemption Law and City Code Article 4, including without limitation N.J.S.A. 40A:21-9 (the “**Exemption Application**”); and

WHEREAS, the City has determined, in accordance with the recommendation of the City Tax Assessor that the authorization of a tax exemption for the development of the Property is in the best interests of the City and will facilitate the rehabilitation and redevelopment of the City and the Rehabilitation Area for productive use.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Plainfield, in the County of Union, New Jersey as follows:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The City Council hereby approves the Exemption Application.

Section 3. The City Council hereby authorizes the execution of a tax agreement substantially in the form attached hereto as Exhibit A (the “**Tax Agreement**”).

Section 4. The Mayor, in consultation with counsel to the City, is hereby authorized to execute the Tax Agreement, with such modifications or revisions deemed necessary by the Mayor, and prepare, amend or execute any other agreements necessary to effectuate the Tax Agreement and this Ordinance.

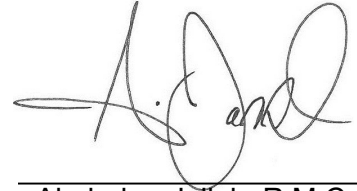
Section 5. Within 30 days of its execution, the City Clerk shall forward a copy of the Tax Agreement to the Director of the Division of Local Government Services in the Department of Community Affairs as prescribed by *N.J.S.A. 40A:21-11(d)*.

Section 6. If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

Section 7. This Ordinance shall take effect in accordance with all applicable laws.

ADOPTED BY THE MUNICIPAL COUNCIL

December 11, 2023



Abubakar Jalloh, R.M.C.
Municipal Clerk

CLERK'S CERTIFICATION

I, Abubakar Jalloh, City Clerk of the City of Plainfield do hereby certify that the foregoing is a true copy of a resolution duly adopted by the Plainfield City Council.

Abubakar Jalloh, R.M.C.
Municipal Clerk