

## VILLAGE OF RIDGEFIELD PARK

### ORDINANCE NO. 2023-01

#### **AN ORDINANCE APPROVING THE APPLICATION AND FINANCIAL AGREEMENT AUTHORIZING A TAX EXEMPTION AND PAYMENT IN LIEU OF TAXES PROGRAM FOR 30 CROSS RP URBAN RENEWAL, LLC FOR THE CONSTRUCTION OF A REDEVELOPMENT PROJECT LOCATED IN THE VILLAGE OF RIDGEFIELD PARK**

**WHEREAS**, the Village is authorized under the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.* (the “Redevelopment Law”), to determine whether certain parcels of land within the Village constitute an area in need of redevelopment and to adopt redevelopment plans therefore; and

**WHEREAS**, the Village previously designated certain properties within the Village, including the parcels identified as Block 152.01, Lots 1, 1.01, and 2 on the Village’s tax maps (the “Land” or “Project Area”) as an “area in need of redevelopment” pursuant to the Redevelopment Law and the laws which preceded it; and

**WHEREAS**, on August 19, 2021 pursuant to Ordinance No. 2021-11, the Village Board of Commissioners (the “Board of Commissioners”) finally adopted a redevelopment plan for the Project Area, entitled “Industrial Avenue North Non-Condensation Redevelopment Plan, Block 152.01, Lots 1, 1.01 and 2,” dated June 7, 2021 and prepared by Kenneth Ochab, P.P., AICP (the “Redevelopment Plan”), which Redevelopment Plan (as same may be amended or supplemented) governs the Project Area; and

**WHEREAS**, 30 CROSS RP URBAN RENEWAL, LLC (the “Entity”) is the contract purchaser of the Project Area; and

**WHEREAS**, an affiliate of the Entity applied to the Village Planning Board for preliminary and final site major plan approval in connection with an approximately 98,400 gross leasable square foot warehouse building for warehouse and light industrial and/or fulfillment center uses, including typical and ancillary site improvements (collectively, the “Project”), which application was approved by the Village Planning Board on April 4, 2022, and memorialized by resolution of the Village Planning Board dated May 2, 2022; and

**WHEREAS**, the Village and the Entity entered into that certain redevelopment agreement, dated November 4, 2022 (the “Redevelopment Agreement”), pursuant to which, among other things, the Entity agreed to redevelop the Project Area by constructing the Project thereon; and

**WHEREAS**, pursuant to, and in accordance with, the provisions of the Redevelopment Law and Long Term Tax Exemption Law, the Village is authorized to provide for a tax exemption within a redevelopment area and for payments in lieu of taxes; and

**WHEREAS**, in order to enhance the economic viability of, and opportunity for, a successful project, the Village will enter into this Agreement with the Entity governing the payments made

to the Village in lieu of taxes on the Project pursuant to the Long Term Tax Exemption Law and the Redevelopment Law; and

**WHEREAS**, in accordance with the Long Term Tax Exemption Law, the Entity filed an application, which is incorporated herein by reference (the "Application"), with the Village for approval of a long term tax exemption for the Improvements (as defined herein); and

**WHEREAS**, upon review of the Application, the Village has made the following findings:

**A. Relative Benefits of the Project:**

The Project will provide the region with a new state-of-the-art light industrial/warehouse building. The Project Area is currently underutilized and will benefit from the undertaking of the Project, which will generate revenue and create jobs. The Project is expected to produce approximately 200 construction jobs and approximately 98 permanent jobs.

**B. Assessment of the importance of the tax exemption in obtaining development of the Project and influencing the locational decisions of probable occupants:**

The Entity is making a significant equity contribution toward the cost of the Project. In order to improve the economic viability of the development of the Project, the Village has agreed to provide the tax exemption for the Project pursuant to this Agreement. The stability and predictability of the Annual Service Charge (as defined herein) will make the Project more competitive and assist the Entity to undertake the Project in the Village. The Entity has represented that in the absence of the tax exemption, the Project will not be undertaken.

**WHEREAS**, an affiliate of the Entity intends to develop a warehouse and light industrial facility on the property adjoining the Project Area and located in the Borough of Bogota, currently estimated to be approximately 89,130 gross leasable square feet, and to be located on parcels currently designated as follows on the Borough of Bogota tax map: Block 113, Lots 7, 7.01, 7.02, 7.03, 8, 8.01, and 8.02 (the "**Adjoining Project**"); and

**WHEREAS**, the Mayor submitted the Application and Financial Agreement to the Board of Commissioners with his recommendation for approval, a copy of which recommendation is on file with the Village Clerk; and

**WHEREAS**, the Board of Commissioners has reviewed the terms of the Application and the Financial Agreement and hereby finds that the relevant benefits of the Project to the redevelopment of the Redevelopment Area outweigh the loss, if any, of property tax revenue in granting the long-term tax exemption for the Project; and

**WHEREAS**, the Board of Commissioners has further determined that the assistance provided to the Project pursuant to the Financial Agreement will be a significant inducement for the Entity to proceed with the Project and that based on information and representations set forth in the Application, the Project would not be feasible without such assistance.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Commissioners of the Village of Ridgefield Park, as follows:

1. The aforementioned recitals are incorporated as if set forth herein at length.
2. The Application filed by the Entity, a copy of which is on file with the Village Clerk and which has been recommended for approval by the Mayor, is hereby approved.
3. The Mayor, Village Clerk and all other appropriate officials are hereby authorized to execute the Financial Agreement substantially in the form attached to the Application, subject to approval as to form by the Village Attorney. The Mayor is further authorized to undertake all actions necessary and permitted to effectuate the purposes of this Resolution and the Financial Agreement.
4. The executed copy of the Financial Agreement shall be certified by and be filed with the Office of the Village Clerk. Further, the Village Clerk shall file certified copies of this ordinance and the Financial Agreement with the Tax Assessor of the Village and the Director of the Division of Local Government Services with the Department of Community Affairs, in accordance with the Long Term Tax Exemption Law.
5. All Ordinance or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.
6. If any section, paragraph, subparagraph, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the specific section, paragraph, subparagraph, clause or provision so adjudged and the remainder of this Ordinance shall remain valid and effective.
7. This Ordinance shall take effect 20 days after adoption and publication as required by law.


  
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Commissioner Gerken

  
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Commissioner MacNeill

  
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Commissioner Olson

Absent  
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Commissioner Portorreal

  
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Mayor Anlian

  
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Village Clerk  
Adopted on February 14, 2023