

**TOWNSHIP OF HAMILTON**

**ORDINANCE NO.: #1848-2017**

**AN ORDINANCE AUTHORIZING A TAX AGREEMENT BETWEEN CLAYTON'S SELF STG. AT MAYS LANDING AND THE TOWNSHIP OF HAMILTON, PROVIDING FOR A FIVE YEAR EXEMPTION FROM TAXATION AND PAYMENT IN LIEU OF TAXES REGARDING THE CONSTRUCTION PROJECT DESCRIBED HEREIN LOCATED ON BLOCK 991, LOT(s) 3.01.**

**WHEREAS**, Township Code Chapter 269, Article II authorizes the Township to enter into Tax Agreements for Construction Projects on certain properties within the Township;

**WHEREAS**, such Tax Agreements provide for an exemption from certain taxation and require that the taxpayer make payments in lieu of taxes over a five year period with said payments being equal to a gradually increasing percentage of taxes otherwise due on the value of the improvements created by the Construction Project;

**WHEREAS**, *CLAYTON'S SELF STG. AT MAYS LANDING* ("Applicant") is the owner of *BLOCK 991, LOT(s) 3.01 JAMES N. HOLMES BLVD* (the "Property"), at which property is presently located *Self Storage Facility*;

**WHEREAS**, the Township Committee has reviewed the application materials and held a hearing on **April 17, 2017** at which Applicant was present;

**WHEREAS**, the Township Committee has made the following findings of fact and conclusions of law:

- (a) The Property is qualified for an exemption from taxation for the increase in property value resulting from a Construction Project under the terms of Township Code § 269-10;
- (b) The Applicant proposes to *build an additional self storage building to Accommodate his growing business* on the Property;
- (c) The Applicant's proposed Project qualifies as a Commercial or Industrial Construction Project pursuant to Township Code § 269-9;
- (d) The Applicant has submitted a complete Application for Five-Year Tax Exemption & Abatement, Checklist, and all other documents required thereby;
- (e) The Township Committee credits the application materials submitted by the Applicant as well as the Applicant's testimony and the testimony of the persons speaking in support of the application; and
- (f) The Project will tend to maintain or provide gainful employment within the Township; assist in the economic development of the Township; maintain or increase the tax base of the Township; and maintain, or diversify and expand, commerce with the Township.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Hamilton, County of Atlantic and State of New Jersey, that:

**SECTION I. AUTHORIZATION TO ENTER TAX AGREEMENT**

The Mayor is hereby authorized to execute, and the Township Clerk to attest to, the attached Five Year Tax Exemption Agreement between the Township of Hamilton and *CLAYTON'S SELF STG. AT MAYS LANDING*. Said Agreement provides for *CLAYTON'S SELF STG. AT MAYS LANDING* to pay to the Township a payment in lieu of taxes as follows:

- (a) The full amount of taxes due upon the land and any structures and improvements pre-existing the commencement of the Construction Project;
- (b) Payments in lieu of taxes on the fully-assessed value of the completed Construction Project, as determined by Township Code § 269-16, as follows:
  - In the first full year after Completion: no payment;
  - In the second full year after Completion: 20% of taxes otherwise due;
  - In the third full year after Completion: 40% of taxes otherwise due;

- In the fourth full year after Completion: 60% of taxes otherwise due;
  - In the fifth full year after Completion: 80% of taxes otherwise due.
- (c) If the Construction Project has separate dates of completion for different phases of the Project, the payments in lieu of taxes shall not be triggered for a particular phase until January 1<sup>st</sup> in the year after that phase is completed.

**SECTION II. NON-SEVERABILITY and REPEALER**

- (a) If any section, subsection, sentence, clause or phrase of this Ordinance (not including the Tax Agreement itself) is for any reason held to be unconstitutional, invalid, or unenforceable by a court of competent jurisdiction, the remaining portions of this Ordinance shall also be void.
- (b) Any Ordinance inconsistent with the terms of this Ordinance is hereby repealed to the extent of such inconsistency.

**SECTION III. EFFECTIVE DATE**

This Ordinance shall take effect upon its final passage and publication as provided by law.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed effective on the date of this Agreement.

**TOWNSHIP COMMITTEE OF THE  
TOWNSHIP OF HAMILTON,  
COUNTY OF ATLANTIC and  
STATE OF NEW JERSEY**

**ATTEST:**

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**Rita Martino, RMC, CMR**  
Township Clerk

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**John Kurtz, Mayor**

COMMITTEE MEMBER	MOTION	YES	NO	ABSTAIN	ABSENT
GUISHARD					
LINK					
SCHENKER					
SILVA					
MAYOR KURTZ					

**FIRST READING AND INTRODUCTION: May 1, 2017**

**FINAL READING AND ADOPTION:**