

ORDINANCE OF THE CITY OF GLOUCESTER
County of Camden, State of New Jersey
#O25- 2017

**ORDINANCE OF THE CITY OF GLOUCESTER, COUNTY OF CAMDEN AND STATE
OF NEW JERSEY ADOPTING A FINANCIAL AGREEMENT BY AND BETWEEN
THE CITY OF GLOUCESTER AND CYZNER PROPERTIES, INC., OR ITS NOMINEE**

WHEREAS, pursuant to the provision of the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the "**Redevelopment Law**"), specifically including *N.J.S.A. 40A:12A-6(a)*, the City Council of the City of Gloucester (the "**Governing Body**"), by virtue of Ordinance #2009-11, adopted a Redevelopment Plan identifying Block 256, Lots 1 and 1.01 (collectively, the "**Property**") on the Official Tax Map of the City as a "Redevelopment Area," as that term is defined in the Redevelopment Law, and adopted a Redevelopment Plan for the Redevelopment Area (the "**Redevelopment Area**"); and

WHEREAS, the City has heretofore designated the Governing Body as the "Redevelopment Entity" (as such term is defined in the Redevelopment Law) for the purpose of implementing the Redevelopment Plan; and

WHEREAS, on August 7, 2017, the City, by Ordinance No. O24-2017, appointed Cyzner Properties, Inc., or its nominee (here, the Entity) as the redeveloper of the Property; and

WHEREAS, the Redevelopment Plan consists of the redevelopment of the Property to include the rehabilitation, reconstruction and construction of up to 134 market rate apartments on the Property, including landscaping, certain architecturally desirable features and other site improvements (collectively, the "**Redevelopment Project**"); and

WHEREAS, the Entity has or will purchase the Property and construct, or cause to be constructed, the Redevelopment Project; and

WHEREAS, in order to implement the development, financing, construction, operation and management of the Redevelopment Project, the City and the Entity entered in to that certain Redevelopment Agreement, dated August 7, 2017 (the "**Redevelopment Agreement**"), which Redevelopment Agreement specifies the rights and responsibilities of the City and the Entity with respect to certain aspects of the Redevelopment Project, all in accordance with the Redevelopment Plan; and

WHEREAS, in order to enhance the economic viability of and opportunity for a successful project, the City will enter into this Agreement with the Entity, governing payments made to the City in lieu of real estate taxes on the Redevelopment Project pursuant to the Long Term Tax Exemption Law; and

WHEREAS, the provisions of the Long Term Tax Exemption Law authorize the City to accept, in lieu of real property taxes for the Redevelopment Project, an annual service charge paid by the Entity to the City based on the enumerated formulas set forth in such law; and

WHEREAS, the Entity has agreed to make payment of the Annual Service Charge (as defined herein) to the City to be used by the City for any lawful purpose in the exercise of the City's sole discretion; and

WHEREAS, in accordance with the Long Term Tax Exemption Law, the Entity has submitted a written application (the "**Application**") to the City for approval of a tax exemption for the Improvements (as defined herein), a copy of which is attached hereto as Exhibit "A"; and

WHEREAS, the City has heretofore made the following findings:

- i. The Redevelopment Project will provide additional residential units in the City;
- ii. The Redevelopment Project will provide an estimated 87 construction jobs and an estimated 2 permanent jobs; and
- iii. Tax exemption of the Improvements permits (a) better use of Property, and (b) the availability of and improvements to housing in the City;

WHEREAS, in adopting the Ordinance, the Governing Body found that, *inter alia*, the Redevelopment Project would not have been constructed without a tax exemption for the Improvements; and

WHEREAS, the City believes that exemption from taxation of the Improvements pursuant to this Agreement and receipt by the City of annual service charges in lieu of taxes allows maximum redevelopment of the Property and is, therefore, in the best interest of the City and is in accordance with the provisions of the Long Term Tax Exemption Law and the public purposes pursuant to which the redevelopment has been undertaken.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Common Council of the City of Gloucester, County of Camden, and State of New Jersey, that the Gloucester City Development Ordinance be amended as follows:

SECTION 1: The provisions of the **WHEREAS** clauses set forth above are incorporated herein by reference and made a part hereof and shall have the same lawful effect as if set forth herein.

SECTION 2: In accordance with the Redevelopment Law and this Ordinance, the City hereby authorizes the execution of a Financial Agreement, in the form attached hereto and made a part hereof with Cyzner Properties, Inc., or its nominee, as the "Redeveloper" of the Redevelopment Area and the Mayor, Clerk and/or appropriate designee is hereby authorized to execute the Redevelopment Agreement and/or all documents related to this transaction.

SECTION 3: The City has specifically determined the Redevelopment Project would not have been constructed without a tax exemption for the Improvements; and

SECTION 4: If any subsection, paragraph subsection, clause or provision of this ordinance shall be judged by the Courts to be invalid, such adjudication shall apply only to that section, paragraph, subsection, clause or provision so adjudged and the remainder of the ordinance shall be deemed valid and effective.


SECTION 5: This ordinance shall take effect upon final adoption, publication and filing of a copy of said Ordinance with the Camden County Planning Board, and any and all agencies mandated in accordance with the law.

SECTIONS 6: This Ordinance shall become effective immediately upon final passage and publication as required by law.

City of Gloucester City


By: William P. James, Mayor

ATTEST:


Kathleen M. Jentsch, City Clerk

I, Kathleen M. Jentsch, Clerk of the City of Gloucester City, hereby certify the foregoing to be a true and correct copy of an Ordinance adopted by the Mayor and Council at their meeting of Aug 7, 2017, held in the Mem Bldg. Gloucester City, New Jersey.
512 Monmouth ST

Kathleen M. Jentsch, City Clerk

INTRODUCED: July 20, 2017

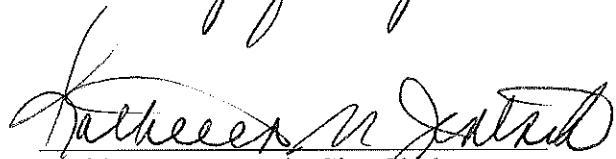
ADOPTED: Aug 7, 2017

PUBLIC MEETING

NOTICE is hereby given that the foregoing ORDINANCE was introduced and passed at a meeting of the Common Council of the City of Gloucester City, County of Camden, New Jersey, held on the 20th day of July, 2017, and will be considered for final passage after a public hearing at a meeting of the Common Council of the City of Gloucester City to be held on the 7th day of August, 2017 at 5:00 pm in the evening prevailing time at 512 Monmouth Street, Gloucester City, New Jersey.


Kathleen M. Jentsch, City Clerk

I hereby certify that the foregoing ORDINANCE was approved for final adoption by the Mayor and Common Council of the City of Gloucester City, County of Camden, State of New Jersey at a regularly scheduled meeting held on the

7th day of Aug 2017

Kathleen M. Jentsch, City Clerk