

BOROUGH OF WANAQUE  
COUNTY OF PASSAIC  
STATE OF NEW JERSEY

ORDINANCE #20-0-16

AN ORDINANCE AMENDING ORDINANCE NUMBER 12-0-06 BY IMPLEMENTING A NINETEEN YEAR PAYMENT IN LIEU OF TAX PROGRAM FOR THE RINGWOOD AVENUE MIXED USE REDEVELOPMENT PROJECT CONSTRUCTED IN THE BOROUGH OF WANAQUE AND TRANSFERRED TO THE HASKELL TOWN CENTER URBAN RENEWAL, LLC FROM BALD EAGLE AT WANAQUE URBAN RENEWAL, LLC A SUBSTITUTE URBAN RENEWAL ENTITY, TOGETHER WITH APPROVING A FINANCIAL AGREEMENT PURSUANT TO THE LONG TERM TAX EXEMPTION LAW N.J.S.A. 40A:20-1 ET SEQ.

WHEREAS, on February 13, 2006 the Borough Council of the Borough of Wanaque adopted ordinance number 2-0-06 establishing a redevelopment plan, after the appropriate and legally required referral to the Wanaque Planning Board, for the Ringwood Avenue Mixed Use Redevelopment Project within the Borough Wanaque entitled the "Ringwood Avenue Mixed Use Redevelopment Area",

WHEREAS, Bald Eagle Commons, LLC, (the "Entity") was an urban renewal entity, formed and qualified to do business under the provisions of the Long-Term Tax Exemption Law of 1992, as amended and supplemented, N.J.S.A. 40A:20-1 et seq. and which said entity was foreclosed on subsequent to municipal and other liens being filed and by virtue of the Project Premises being acquired on July 21, 2014 by Writ of Execution of foreclosure the August 2006 Financial Agreement shall now be between the Borough and, having its principal offices at 6305 Kennedy Boulevard, North Bergen, New Jersey 07047, and shall be known as the successor urban renewal entity to Bald Eagle Urban Renewal at Wanaque, LLC. The Borough and the Entity shall be the Parties as are defined in the 2006 Redevelopment Agreement and the pertinent Financial Agreement as approved by this ordinance; and

WHEREAS, the original Entity transferred through the operation of ownership the properties known as Tax Block 430 Lots 1.01, 1.03, 9, 10, 11, and 12.01 as shown upon the official Tax Maps of the Borough of Wanaque such property is hereinafter referred to as the "Project Premises"; and

WHEREAS, the Project Premises is located within the Ringwood Avenue Mixed Use Redevelopment Area as required by N.J.S.A. 40A:20-4 and N.J.S.A. 40A:12A-5(g) and redevelopment of these parcels of property is controlled by the terms and conditions of the aforementioned Ringwood Avenue Mixed Use Redevelopment Plan; and

WHEREAS, the Entity is making application for a nineteen (19) year long term payment in lieu of tax (PILOT; or tax exemption) of which ten (10) years remain on the term of the PILOT (from January 1, 2016 through December 31, 2025) so as to enable the continued occupancy, improvements to, and financing of the redevelopment project consisting of a approximately 49,000 square feet of retail and office space on three stories located upon the project premises, and together with all common areas and improvements ancillary to this principal use; and

WHEREAS, Haskell Town Center Urban Renewal, LLC has agreed to pay an annual service charges (also known as a payment in lieu of taxes; PILOT) for the overall redevelopment project of approximately two percent of the total project cost as this term is defined in the Long Term Tax Exemption Law and described in the amended Financial Agreement attached hereto; said annual service charge shall also be applicable to future owners of the project premises until the PILOT terminates; and

NOW, THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Wanaque that the benefits of this important redevelopment project, after giving due consideration to the PILOT revenues (annual service charge), include the following:

1. The real estate taxes for the Project Premises generated revenue for the Borough of Wanaque for the tax year 2005, the year immediately preceding the adoption of the redevelopment plan, were twenty-one thousand four hundred forty-five dollars (\$21,445.).
2. The Annual Service Charge as estimated will generate the approximate amount of annual revenue of one hundred thousand dollars (\$100,000) to the Borough of Wanaque in land taxes plus a sum of the PILOT of approximately \$35,000 annually "net" of land taxes to the Borough.;
3. This Project contributes to the economic growth of the Borough of Wanaque by creating a substantial number of jobs and stabilize this area of Ringwood Avenue;
4. This Redevelopment Project will further the overall redevelopment objectives of the Borough of Wanaque and the Ringwood Avenue Redevelopment Plan;
5. The Borough's impact analysis on file with the office of the Borough Clerk, indicates that the benefits of this mixed use development project substantially outweigh the costs to the Borough of Wanaque; and

BE IT FURTHER ORDAINED, that Ordinance Number 16-0-2006 is hereby amended to include the provisions hereof and, further, the Borough of Wanaque hereby determines that the PILOT, long-term tax exemption, is critical to the development of the project and influencing the occupancy and viability of potential tenants for the following reasons:

- The relative stability and predictability of the PILOT, annual service charge, will make the project financially viable to the designated Redeveloper; and
- The relative stability and predictability of the PILOT annual service charge will allow both the Borough and the Entity to stabilize their operating budgets, allowing for a high level of investment in the project and required improvements over the life of the project, which will ensure the likelihood of the success of the project.

BE IT FURTHER ORDAINED, that the application of Haskell Town Center Urban Renewal, LLC, formed and qualified to do business under the provisions of the Long Term Tax Exemption Law of 1992, as amended and supplemented by N.J.S.A. 40A:20-1 et seq., on file in the office of the Borough Clerk, for Tax Block 430 Lots 1.01, 1.03, 9, 10, 11, 12.01 is hereby approved and that the Mayor or Borough Administrator are hereby authorized to execute a PILOT-Long-Term Tax Exemption-Financial Agreement which shall include at a minimum the following terms and conditions:

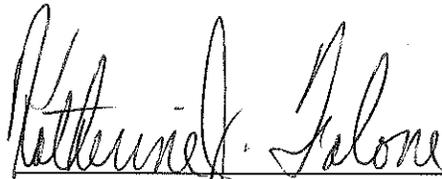
Term: A term of ten complete years from the last day of the year of adoption of this Ordinance;

P.I.L.O.T.: Individual Payments In Lieu of Taxes shall be established for this Redevelopment project and shall be calculated at approximately \$227,893 per annually less applicable credits included in the Financial Agreement.

The Financial Agreement: shall be substantially in the form on file in the office of the Borough Clerk and dated not earlier than September 19, 2016, subject to such negotiated modifications as the Borough Administrator deems appropriate or necessary.

BE IT FURTHER ORDAINED, that all Ordinances and parts of Ordinances inconsistent herewith are hereby repealed and that this Ordinance shall take effect in the manner provided by law.

Dated: September 12, 2016

  
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Katherine J. Falone, RMC, CMC  
Municipal Clerk

BOROUGH OF WANAQUE  
COUNTY OF PASSAIC  
STATE OF NEW JERSEY

ORDINANCE #20-0-16

NOTICE IS HEREBY GIVEN that the foregoing Ordinance was Introduced at a Regular Meeting of the Mayor and Council of the Borough of Wanaque, Passaic County, New Jersey, held on the 12th day of September 2016, and passed on first reading, and the same was then ordered to be published according to law; and that such Ordinance will be further considered for final passage at a meeting of said Mayor and Council to be held in the Municipal Building, 579 Ringwood Avenue, Wanaque, New Jersey, on October 17, 2016 at 8:00 P.M., at which time and place or at any time and place to which said meeting shall be from time to time adjourned, all persons interested will be given an opportunity to be heard concerning said Ordinance.

BY ORDER OF THE MAYOR AND COUNCIL OF THE BOROUGH OF  
WANAQUE.

DATED: September 12, 2016

  
KATHERINE J. FALONE, RMC, CMC  
Municipal Clerk

BOROUGH OF WANAQUE  
COUNTY OF PASSAIC  
STATE OF NEW JERSEY

ORDINANCE #20-0-16

BE IT RESOLVED that an Ordinance entitled:

AN ORDINANCE AMENDING ORDINANCE NUMBER 12-0-06 BY IMPLEMENTING A NINETEEN YEAR PAYMENT IN LIEU OF TAX PROGRAM FOR THE RINGWOOD AVENUE MIXED USE REDEVELOPMENT PROJECT CONSTRUCTED IN THE BOROUGH OF WANAQUE AND TRANSFERRED TO THE HASKELL TOWN CENTER URBAN RENEWAL, LLC FROM BALD EAGLE AT WANAQUE URBAN RENEWAL, LLC A SUBSTITUTE URBAN RENEWAL ENTITY, TOGETHER WITH APPROVING A FINANCIAL AGREEMENT PURSUANT TO THE LONG TERM TAX EXEMPTION LAW N.J.S.A. 40A:20-1 ET SEQ.

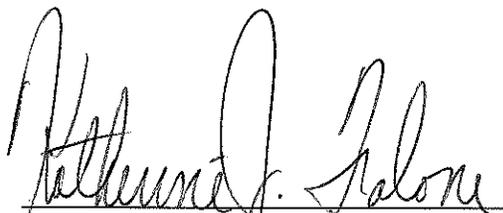
pass first reading, and that said Ordinance be further considered for final passage and adoption at a Regular meeting of the Borough Council to be held on the 17th day of October 2016, at the Municipal Building in the Borough of Wanaque, at 8:00 P.M., and that at such time and place all persons interested be given an opportunity to be heard concerning said Ordinance.

AND BE IT FURTHER RESOLVED that the Borough Clerk be instructed to publish in the manner provided by law a copy of said Ordinance, together with introduction thereof and notice when same will be considered for final passage and adoption.

Passed: 09/12/16

Filed: 09/12/16

Approved: 09/12/16

  
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Katherine J. Falone, RMC, CMC  
Municipal Clerk