

ORDINANCE NO. 2021-18
BOROUGH OF KENILWORTH

**AN ORDINANCE APPROVING THE APPLICATION AND AUTHORIZING A
FINANCIAL AGREEMENT FOR A LONG TERM TAX EXEMPTION
BY AND BETWEEN THE BOROUGH OF KENILWORTH AND
KENILWORTH REDEVELOPERS URBAN RENEWAL, LLC**

WHEREAS, the governing body of the Borough of Kenilworth (the “Borough Council”) is responsible for implementing redevelopment plans and carrying out redevelopment projects pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “Redevelopment Law”); and

WHEREAS, the Borough Council directed the Borough planning board (the “Planning Board”) to investigate whether a certain property within the Borough identified in the official tax maps of the Borough as Block 183, Lot 9 and identified in the Borough tax records as 25 North 26th Street (the “Redevelopment Area”) constituted an “area in need of redevelopment” as defined in the Redevelopment Law; and

WHEREAS, upon the Planning Board's recommendation, on February 10, 2021, the Borough Council, adopted a resolution pursuant to and in accordance with the requirements of the Redevelopment Law, designating the Redevelopment Area as an area in need of redevelopment; and

WHEREAS, the Borough Council on June 9, 2021, adopted Ordinance No. 2021-07 approving and adopting a redevelopment plan for the Redevelopment Area titled “25 North 26th Street Redevelopment Plan” (the “Redevelopment Plan” in accordance with the Redevelopment Law); and

WHEREAS, pursuant to N.J.S.A. 40A:12A-4, the Borough is acting as the “redevelopment entity” (as such term is defined at N.J.S.A. 40A:12A-3 of the Redevelopment Law) for the Redevelopment Area; and

WHEREAS, Kenilworth Developers Urban Renewal, LLC (the “Redeveloper”) is the contract purchaser of the Redevelopment Area; and

WHEREAS, on November 10, 2021, pursuant to the Redevelopment Law, the Governing Body adopted Resolution No. 7, (a) among other things, designating Kenilworth Developers Urban Renewal, LLC as the exclusive redeveloper for Block 183, Lot 9 and (b) authorizing the execution of a certain “Redevelopment Agreement”; and

WHEREAS, pursuant to the Redevelopment Agreement, the Redeveloper proposes to acquire the Redevelopment Area, and to develop, finance, and construct a four-story, inclusionary multi-family building containing a total of 165 units, 25 of which will be units affordable to very-low, low- and moderate-income households, garage and surface parking spaces, as well as certain other on-site and off-site improvements (the “Project”); and

WHEREAS, the Redeveloper is a limited-dividend, urban renewal entity created under the New Jersey Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq. (the “LTTE Law”), to own and undertake, or cause to be undertaken, the Project and related on-site and off-site infrastructure and related improvements to be more particularly set forth in the Redevelopment Agreement; and

WHEREAS, the Redeveloper submitted to the Borough Administrator an application for a long term tax exemption for the Project, pursuant to the LTTE Law, dated October 20, 2021 (the “PILOT Application”); and

WHEREAS, the Body Council has reviewed the information provided in the PILOT Application and finds that the Project represents an undertaking permitted by the LTTE Law and constitutes improvements made for the purposes of clearance, replanning, development or redevelopment of an area in need of redevelopment within the Borough, as authorized by the Redevelopment Law and the LTTE Law;

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Kenilworth in the County of Union, New Jersey, as follows:

ORDINANCE NO. 2021-18

BOROUGH OF KENILWORTH

Section 1. The PILOT Application of Kenilworth Redevelopers Urban Renewal, LLC be and hereby is approved.

Section 2. The Financial Agreement concerning Kenilworth Redevelopers Urban Renewal, LLC, attached to the PILOT Application, for a long term tax exemption for the Project, under the LTTE Law, be and is hereby approved, and the Mayor is hereby authorized to execute such Financial Agreement, subject to minor modification or revision, as deemed necessary, advisable and appropriate after consultation with counsel.

Section 3. The Borough Clerk be and is hereby authorized and directed, upon execution of the Financial Agreement by the Mayor, to attest to the signature of the Mayor and to affix the corporate seal of the Borough upon such document.

Section 4. The executed copy of the Financial Agreement shall be certified by and be filed with the Office of the Borough Clerk. Further, the Borough Clerk shall file certified copies of this ordinance and the Financial Agreement with the Tax Assessor of the Borough and the Director of the Division of Local Government Services with the Department of Community Affairs, in accordance with Section 12 of the LTTE Law.

Section 5. If any part(s) of this ordinance shall be deemed invalid, such part(s) shall be severed and the invalidity thereby shall not affect the remaining parts of this ordinance.

Section 6. All ordinances and resolutions or parts thereof inconsistent with this Ordinance are hereby rescinded.

Section 7. This ordinance shall take effect in accordance with applicable law.

Linda Karlovitch, Mayor

INTRODUCTION						COUNCILPERSON	FINAL ADOPTION					
Moved	Sec.	Aye	Nay	Abs.	NP		Moved	Sec.	Aye	Nay	Abs.	NP
	X	X				KAY CECERI			X			
X		X				MARK DAVID	X		X			
			X			JOSEPH FINISTRELLA				X		
			X			GERRY LAUDATI		X	X			
				X		SCOTT PENTZ				X		
				X		FRED PUGLIESE				X		
			X			MAYOR KARLOVITCH				X		
Introduced: November 10, 2021			I hereby certify the above ordinance was adopted by the Borough Council of the Borough of Kenilworth, County of Union, State of New Jersey on the aforementioned date.									
Final Adoption: December 8, 2021												
Laura Reinertsen, Borough Clerk												