

**RESOLUTION TC 20-095
TOWNSHIP COMMITTEE, TOWNSHIP OF HARDING
MORRIS COUNTY, NEW JERSEY
MAY 11, 2020**

**RESOLUTION APPROVING THE FINANCIAL AGREEMENT FOR A FIVE-YEAR EXEMPTION
AND ABATEMENT WITH THE REDEVELOPER OF HURSTMONT SITE PURSUANT TO THE
NEW JERSEY FIVE YEAR EXEMPTION AND ABATEMENT LAW (N.J.S.A. 40A:21-1 ET SEQ)**

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., as amended and supplemented (hereinafter referred to as the “Redevelopment Law”) provides a process for municipal entities to participate in the redevelopment and improvement of property designated as an “area in need of redevelopment;” and

WHEREAS, on November 19, 2018, the Township Committee of the Township of Harding (the “Township Committee”) adopted Resolution No.18-196, directing the Planning Board to undertake a preliminary investigation to determine whether the properties identified as Block 27, Lot 2, located at 679 Mt. Kemble Avenue and Block 34, Lot 1 (collectively referred to as the “Redevelopment Study Area”) qualify as a “non-condemnation” area in need of redevelopment pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.* (the “Redevelopment Law”); and

WHEREAS, on February 19, 2019, the Planning Board of the Township of Harding (the “Planning Board”) conducted a duly-noticed public hearing, pursuant to *N.J.S.A. 40A:12A-6*, during which the Planning Board considered the preliminary investigation report of Heyer, Gruel & Associates (“HGA”), dated February 1, 2019 (the “Preliminary Investigation Report”), and heard the testimony of Susan S. Gruel, P.P. and McKinley Mertz, P.P. of HGA concerning the Preliminary Investigation Report; and

WHEREAS, after the Planning Board hearing and consideration of the Preliminary Investigation Report the Planning Board determined that the Redevelopment Study Area meets the criteria for designation as an area in need of redevelopment under the Redevelopment Law and recommended that the Township Committee designate the Redevelopment Study Area as an area in need of redevelopment, pursuant to the Redevelopment Law; and

WHEREAS, the Township Committee accepted the recommendation of the Planning Board and, on February 25, 2019, via Resolution No. TC-19-073, designated the Redevelopment Study Area as a “non-condemnation” redevelopment area; and

WHEREAS, on May 13, 2019 on behalf of the Township of Harding, HGA prepared a redevelopment plan for the Redevelopment Study Area, dated May 13, 2019 (the “Glen Alpin/Hurstmont Redevelopment Plan”), and referred such plan to the Planning Board for review and comment, pursuant to *N.J.S.A. 40A:12A-7*; and

WHEREAS, the Planning Board considered the Glen Alpin/Hurstmont Redevelopment Plan at its meeting of May 20, 2019 and submitted a report of its review of the Glen Alpin/Hurstmont Redevelopment Plan dated June 3, 2019 to the Township Committee; and

WHEREAS, on June 24, 2019 the Township Committee adopted a resolution accepting the Planning Board’s report on the Glen Alpin/Hurstmont Redevelopment Plan and responded in the resolution to the comments of the Planning Board; and

WHEREAS, on June 24, 2019, the Township Committee, after introduction and publication as required by law for adoption of general ordinances, conducted a public hearing on the Glen Alpin/Hurstmont Redevelopment Plan and the ordinance adopting the Glen Alpin/Hurstmont Redevelopment Plan; and

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WHEREAS, the Township Committee reviewed and considered the Glen Alpin/Hurstmont Redevelopment Plan and the Planning Board recommendations and determined that the Glen Alpin/Hurstmont Redevelopment Plan is consistent with the Master Plan; and

WHEREAS, on June 24, 2019, the Township Committee adopted the Glen Alpin/Hurstmont Redevelopment Plan by Ordinance No. 13-2019; and

WHEREAS, on June 24, 2019, the Township Committee designated Glen Alpin/Hurstmont Estate Acquisition, LLC as the “Redeveloper” of the Redevelopment Study Area pursuant to Township Resolution No. TC 19-136; and

WHEREAS, the Redeveloper presented concept plans to the Township Committee; and

WHEREAS, the Harding Township Redevelopment Steering Committee conducted a public meeting concerning the Redeveloper’s concept plan and the proposed plan revisions on September 4, 2019 receiving comments from the public; and

WHEREAS, the Township Committee conducted a public meeting concerning the Redeveloper’s concept plans and the proposed plan revisions, receiving comments from the public; and

WHEREAS, HGA, special counsel Greenbaum, Rowe, Smith & Davis LLP, and Township Engineer Apgar Associates reviewed those concept plans, and they proposed certain revisions to the Glen Alpin/Hurstmont Redevelopment Plan taking into consideration the public comments received by the Harding Township Redevelopment Steering Committee and the Township Committee; and

WHEREAS, on September 12, 2019 on behalf of the Township of Harding, HGA prepared an amendment to the Glen Alpin/Hurstmont Redevelopment Plan; and

WHEREAS, the amendment to the Glen Alpin/Hurstmont Redevelopment Plan was introduced by Ordinance on first reading, September 12, 2019 and referred to the Planning Board for review and comment pursuant to *N.J.S.A. 40A:12A-7*; and

WHEREAS, the Planning Board considered the amendment to the Glen Alpin/Hurstmont Redevelopment Plan at its meeting of September 23, 2019 and submitted a report of its review of the amendment to the Glen Alpin/Hurstmont Redevelopment Plan dated September 24, 2019 to the Township Committee; and

WHEREAS, the designation of the Redeveloper expired by passage of time as of September 23, 2019; and

WHEREAS, on September 30, 2019, the Township Committee, after introduction on September 12, 2019 and publication as required by law for adoption of general ordinances, conducted a public hearing on the amendment to the Glen Alpin/Hurstmont Redevelopment Plan; and

WHEREAS, on September 30, 2019 the Township Committee adopted the amendment of the Glen Alpin/Hurstmont Redevelopment Plan by Ordinance No. 16-2019; and

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WHEREAS, on September 30, 2019 the Township Committee by Resolution No. TC 19-194 confirmed the designation of Hurstmont Estate Acquisition, LLC as the Redeveloper of the Senior Living District located within the Redevelopment Study Area as set forth in the amendment of the Glen Alpin/Hurstmont Redevelopment Plan approved by Ordinance No. 16-2019; and

WHEREAS, the Township Committee on January 30, 2010 by Resolution No. TC 20-067 and on April 13, 2020 by Resolution No. TC 20-087 extended the designation of the Redeveloper through May 15, 2020; and

WHEREAS, the Township of Harding and the Redeveloper entered into a Conditional Redeveloper Designation and Escrow Agreement as of January 31, 2020; and

WHEREAS, the Redeveloper and the Township Committee negotiated a redevelopment agreement (the "Redevelopment Agreement") for the redevelopment of the Senior Living District, and

WHEREAS, the Township Committee on May 11, 2020 by Resolution No. TC 20-094 approved the Redevelopment Agreement; and

WHEREAS, the Redevelopment Agreement will replace and supersede the Conditional Redevelopment Designation and Escrow Agreement; and

WHEREAS, the Redeveloper submitted on March 12, 2020 an application (the "Application") to the Mayor and Township Committee for a tax exemption and payments in lieu of taxes, pursuant to the Five Year Exemption and Abatement Law, N.J.S.A. 40A:21-1, et seq. (the "FYEAL"), with respect to townhouse improvements to be constructed within the southerly portion of Block 27, Lot 2 in the Redevelopment Study Area; and

WHEREAS, on May 11, 2020, the Township Committee by Ordinance No. 07-2020 established in the Township of Harding the "Five-Year Tax Exemption and Abatement Ordinance" pursuant to the FYEAL; and

WHEREAS, the Redeveloper and the Township Committee have negotiated a financial agreement (the "Financial Agreement") for a tax exemption and payments in lieu of taxes, pursuant to the FYEAL, the terms of which are acceptable to the Township Committee; and

WHEREAS, the form of the Financial Agreement is attached hereto as Exhibit A; and

WHEREAS, the Mayor has recommended the approval of the Financial Agreement; and

WHEREAS, the Township Committee has reviewed the Financial Agreement and wishes to approve same;

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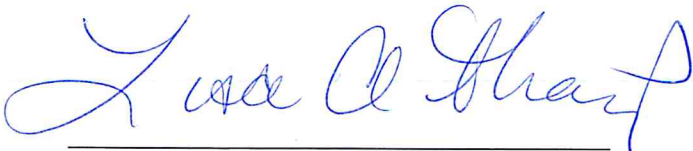
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BE IT RESOLVED by the Township Committee of the Township of Harding that:

1. the Financial Agreement is hereby approved; and
2. the Mayor is authorized to sign the Financial Agreement and take such other actions as are necessary to implement the Financial Agreement.

DATED: May 11, 2020

I, Lisa A. Sharp, Municipal Clerk of the Township of Harding, County of Morris, State of New Jersey, do hereby certify the foregoing resolution to be a true and correct copy of a resolution adopted by the Township Committee at the meeting held on May 11, 2020.



Lisa A. Sharp, Municipal Clerk

Vote on Resolution:

	MOTION	FOR APPROVAL	AGAINST APPROVAL	ABSTAIN	ABSENT
Ms. DiTosto	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Jones	1 st	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Modi	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Platt	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mr. Yates	2 nd	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>