

**TOWNSHIP OF ANDOVER
SUSSEX COUNTY, NEW JERSEY**

ORDINANCE #2025-04

AN ORDINANCE OF THE TOWNSHIP OF ANDOVER, COUNTY OF SUSSEX, STATE OF NEW JERSEY, AUTHORIZING TAX EXEMPTION AND PAYMENT IN LIEU OF TAXES AND ADOPTING AND AUTHORIZING THE EXECUTION OF A FINANCIAL AGREEMENT FOR PAYMENT IN LIEU OF TAXES PURSUANT TO N.J.S.A. 40A:20-1 ET SEQ., IN CONNECTION WITH THE REDEVELOPMENT OF THE PROPERTY LOCATED AT 1023 LIMECREST ROAD; BLOCK 108, LOT 4.01 ON THE TAX MAP OF THE TOWNSHIP OF ANDOVER

WHEREAS, Seegull Urban Renewal, LLC, D/B/A Sparta Redi-Mix (“Redi-Mix”) has been qualified by the State of New Jersey to do business as an urban renewal entity (“URE”) under the provisions of the Long-Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq., as amended and supplemented (the “LTTE Law”); and

WHEREAS, Redi-Mix seeks to effectuate the redevelopment, operation, and maintenance of the Property known as 1023 Limecrest Road, Lafayette, New Jersey, 07848; Block 108, Lot 4.01 on the Township Tax Map (the “Project”); and

WHEREAS, in order to improve the feasibility of the renovation, operation, and maintenance of the Project, Redi-Mix made application to the Township requesting a long-term tax exemption and financial agreement with respect to the Project; and

WHEREAS, there was also submitted as part of the application a form of a financial agreement, pursuant to which Redi-Mix agrees to pay, in lieu of tax payments, an Annual Service Charge in lieu of taxes on the Project based on the gross revenues of the Project, with minimum Annual Service Charges pursuant to N.J.S.A. 40A:20-12 (“PILOT Agreement”); and

WHEREAS, the Project will conform to all applicable municipal zoning ordinances and will be in conformance with the Township’s Master Plan; and

WHEREAS, the Township Committee has reviewed the terms of the PILOT Agreement, and wishes to approve Redi-mix’s application on such terms; and

WHEREAS, the Township Committee has determined that the Project represents an undertaking permitted by the LTTE Law; and

WHEREAS, the Township hereby finds that the relevant benefits of the Project will outweigh the costs, if any, associated with the tax exemption, which relevant benefits are further described in the PILOT Agreement; and

WHEREAS, the Township hereby determines that the assistance provided to the Project pursuant to the PILOT Agreement will be a significant inducement for Redi-Mix to proceed with the Project and contribute to the feasibility of the Project.

NOW THEREFORE, BE IT ORDAINED, by the Mayor and Committee of the Township of Andover, County of Sussex, State of New Jersey, as follows:

SECTION 1.

A. General

The aforementioned recitals are incorporated herein as though fully set forth at length.

B. Approval of Exemption from Taxation

An exemption from taxation as set forth in the Agreement for Payment in Lieu of Taxes (attached hereto as "Exhibit A") is hereby approved and granted to Seegull Urban Renewal, LLC, D/B/A Sparta Redi-Mix ("Redi-Mix") with respect to the Property known as 1023 Limecrest Road, Lafayette, New Jersey, 07848; Block 108, Lot 4.01 on the Township Tax Map (the "Project"), in accordance with the terms set forth in the Agreement for Payment in Lieu of Taxes ("PILOT Agreement"); provided that in no event shall the term of the PILOT Agreement exceed the earlier of thirty-five (35) years from the date of execution thereof or (ii) to the extent permitted by the LTTE Law, thirty (30) years from the Redi-Mix's receipt of a Certificate of Occupancy (as defined in the PILOT Agreement) for the Project and only so long as Redi-Mix remains subject to and in compliance with the PILOT Agreement and the LTTE Law and any other agreement related to the Project or the Premises; and provided, further, that in no event shall the resulting property tax obligation in each year the property tax exemption is in effect, when combined with the Annual Service Charge as defined in the PILOT Agreement, be less than the amount of the Land Taxes (as defined in the PILOT Agreement) prior to redevelopment.

C. Execution of PILOT Agreement Authorized

(i) The Mayor, in consultation with legal counsel to the Township, is hereby authorized and directed to execute the PILOT Agreement, substantially in the form as it has been presented to the Mayor and Committee, subject to additions, deletions, modifications, or revisions deemed necessary and appropriate in consultation with counsel, and any other agreements necessary to effectuate the PILOT Agreement.

(ii) The Township Clerk is hereby authorized and directed, upon the execution of the PILOT Agreement in accordance with the terms of Section C(i) hereof, to attest to the signature of the Mayor upon such document and is hereby further authorized and directed to affix the seal of the Township upon such document.

(iii) Within thirty (30) days of its execution, the Township Clerk shall file certified copies of this ordinance and the executed PILOT Agreement with the Tax Assessor of the Township and shall forward a certified copy of this Ordinance and the executed PILOT Agreement to the Director of the Division of Local Government Services within the New Jersey Department of Community Affairs in accordance with Section 12 of the LTTE Law.

(iv) The executed copy of the PILOT Agreement shall be filed with the Office of the Township Clerk.

D. Entity Obligations

(i) The Project shall conform with all Federal and State laws and ordinances and regulations of the Township relating to its construction and use.

(ii) Redi-Mix shall, in the operation of the Project, require compliance with all laws so that no person because of race, religious principles, color, national origin or ancestry, will be subject to discrimination.

(iii) Redi-Mix shall, from the time the Annual Service Charge becomes effective, pay the Annual Service Charge as set forth in the PILOT Agreement.

E. Action Regarding PILOT Agreement

The Mayor, the Township Administrator, the Township Clerk, and any other Township official, officer or professional, including but not limited to, Township legal counsel, and the auditor to the Township, are each hereby authorized and directed to execute and deliver such documents as are necessary to facilitate the transactions contemplated hereby, and to take such actions or refrain from such actions as are necessary to facilitate the transactions contemplated hereby, and any and all actions taken heretofore with respect to the transactions contemplated hereby are hereby ratified and confirmed.

SECTION 2. Severability. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION 3. Repealer. All existing ordinances or parts of existing ordinances which are inconsistent with the terms of this Ordinance are to the extent of such inconsistency repealed.

SECTION 4. Effect. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

SECTION 5. Availability. A copy of this Ordinance shall be available for public inspection at the offices of the Township.

NOTICE OF PENDING ORDINANCE

PUBLIC NOTICE is hereby given that the foregoing Ordinance was introduced and passed at first reading at a Regular Meeting of the Township Committee of the Township of Andover held on February 6, 2025. A public hearing regarding same will be held at a hybrid meeting scheduled for February 20, 2025, beginning at 7:00PM, to be held both in person and virtually via Zoom, which details for accessing the meeting are as follows:

Join Zoom Meeting

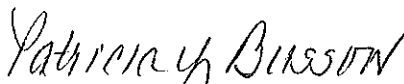
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Webinar ID: 872 5416 1139

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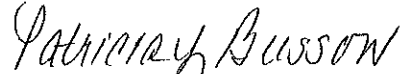
Phone: +1 305 224 1968

All persons interested both for and against said ordinance shall be given an opportunity to be heard concerning same.


Patricia L. Bussow, RMC
Administrator/Municipal Clerk

NOTICE OF FINAL ADOPTION

PUBLIC NOTICE is hereby given that the foregoing Ordinance was adopted at a public hearing held at a Hybrid Meeting of the Township Committee of the Township of Andover on February 20, 2025. Said Hybrid Meeting was held virtually via Zoom and in person at the Municipal Building, 134 Newton Sparta Road, Newton, NJ 07860, at which time all persons were given the opportunity to be heard concerning same. This Ordinance shall take effect immediately upon publication, as required by law.


Patricia L. Bussow, RMC
Administrator/Municipal Clerk