



**Asbury Park, New Jersey
ORDINANCE NO. 2021-18**

**ORDINANCE OF THE CITY OF ASBURY PARK AUTHORIZING THE AMENDMENT
TO CERTAIN FINANCIAL AGREEMENTS WITHIN THE CITY**

WHEREAS, the *New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.* (the “**Act**”) authorizes municipalities to determine whether certain parcels of land in the municipality constitute areas in need of redevelopment; and

WHEREAS, the Act confers certain contract, planning and financial powers upon a redevelopment entity, as defined at Section 3 of the Act, in order to implement redevelopment plans adopted pursuant thereto; and

WHEREAS, the City of Asbury Park (the “**City**”) has elected to exercise these redevelopment entity powers directly, as permitted by Section 4 of the Act; and

WHEREAS, under the provisions of the *Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq.* (the “**LTTE Law**”), the City entered into various Financial Agreements which provide for payments in lieu of taxes on redevelopment projects with: (i) Griffin Urban Renewal, LLC, for the property located at Block 3101, Lot 5, in the City (the “**Griffin Property**”) in the Central Business District Redevelopment Area (the “**Griffin Project**”); (ii) Paramount Homes at Asbury Beach Urban Renewal, L.L.C., for the property located at Block 4202, Lots 1-8 in the City (the “**Paramount Property**”, in the Waterfront Redevelopment Area (the “**Paramount Project**”); and (iii) St. James Urban Renewal Associates, LLC, for the property located at Block 3207 Lots 1-3 (the “**St. James Property**”, together with the Griffin Property and the Paramount Property, the “**Properties**”), in the Waterfront Redevelopment Area (the “**St. James Project**”, together with the Griffin Project and the Paramount Project, (the “**Projects**”); and

WHEREAS, the Financial Agreements for each of the Projects contemplated the Projects, in part or in full would have for sale condominium units (each a Unit as defined under each Financial Agreement) to be sold to Unit Purchasers (as such term is defined in each Financial Agreement) ; and

WHEREAS, the Financial Agreements for the Projects as currently contemplated can cause the unintended consequence that the Unit Purchaser’s Annual Service Charge and administrative fee payable to the City may be in excess of the ad valorem taxation that would be otherwise charged on such Unit absent the financial agreement; and

WHEREAS, the City desires to, provide relief to the Unit Purchasers by making the maximum amount of the Annual Service Charge together with the administrative fee payable to the City for any Unit Purchaser be equal to the amount that the Unit Purchaser would be

otherwise required to pay in ad valorem taxes in any given year (beginning tax year 2021 and ending upon the respective PILOT term of each unit).

NOW THEREFORE BE IT ORDAINED by the Municipal Council of the City of Asbury Park, in the County of Monmouth, New Jersey as follows:

I. GENERAL

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

II. AMENDMENT OF THE FINANCIAL AGREEMENTS FOR THE PROJECTS TO PROVIDE THAT ANNUAL PAYMENTS NOT EXCEED AD VALOREM TAXES THAT WOULD OTHERWISE BE CHARGED ABSENT THE FINANCIAL AGREEMENT.

(a) Beginning in tax year 2021 and ending upon the respective PILOT term of each individual unit, no Unit Purchaser shall pay an Annual Service Charge together with the administrative fee as part of a Financial Agreement, an amount greater than would otherwise be paid in ad valorem taxes for that Unit in any given year. Any and all provisions contained in Financial Agreements for the Projects which are inconsistent with this Ordinance are hereby amended to reflect that payments made shall be the lesser of either the amount specified in the Financial Agreement or the applicable ad valorem taxes which would otherwise be due.

(b) The City recognizes that State statute (N.J.S.A 54:3-21b) prescribes as follows: “No taxpayer or taxing district shall be entitled to appeal either an assessment or an exemption or both that is based on a financial agreement subject to the provisions of the ‘Long Term Tax Exemption Law’ under the appeals process set forth in subsection a. of this section”

(c) The City’s Chief Financial Officer, Tax Assessor and/or Tax Collector, or their designees, are hereby authorized to take any and all actions necessary to effectuate this Ordinance.

(d) The Mayor and/or his designee is hereby authorized to take any and all action necessary to effectuate this Ordinance.

(e) This amendment shall not be retroactive for any year prior to 2021.

III. SEVERABILITY

If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

IV. AVAILABILITY OF THE ORDINANCE

A copy of this Ordinance shall be available for public inspection at the offices of the City.

V. EFFECTIVE DATE

This Ordinance shall take effect according to law.

I, MELODY HARTSGROVE, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of ORDINANCE NO. 2021-18 which was finally adopted by the City Council at a meeting held on the 26th day of May, 2021



MELODY HARTSGROVE
CITY CLERK

✓ Vote Record - Ordinance 2021-18						
			Yes/Aye	No/Nay	Abstain	Absent
<input checked="" type="checkbox"/> Adopted	Eileen Chapman	Mover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Adopted as Amended	Yvonne Clayton	Secunder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Defeated	Jesse Kendle	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Tabled	Amy Quinn	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Withdrawn	John Moor	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Introduced						