

TOWNSHIP OF MANALAPAN

ORDINANCE NO. 2024-24

AN ORDINANCE OF THE TOWNSHIP OF MANALAPAN, COUNTY OF MONMOUTH AND STATE OF NEW JERSEY AUTHORIZING AND APPROVING A FINANCIAL AGREEMENT BETWEEN THE TOWNSHIP OF MANALAPAN AND TOLL CANTER SQUARE RENTALS URBAN RENEWAL, LLC, FOR PROPERTY KNOWN AS BLOCK 72.09, LOT 17 AND BLOCK 72.10, LOT 111, PURSUANT TO THE LONG TERM TAX EXEMPTION LAW (N.J.S.A. 40A:20-1 et seq.)

WHEREAS, the Township of Manalapan ("**Township**") is a municipal entity organized and existing under the laws of the State of New Jersey and located in Monmouth County; and

WHEREAS, the Township filed a declaratory judgment action captioned In the Matter of the Application of the Township of Manalapan, Superior Court of New Jersey, Law Division-Monmouth County, Docket No. MON-L-2518-15, and the Township entered into a Settlement Agreement with Fair Share Housing Center; and

WHEREAS, the Court entered an Order of Fairness and Preliminary Compliance approving the Settlement Agreement on January 21, 2020, and a Final Third Round Judgment of Repose and Compliance on September 28, 2020, thereby approving the Township's Housing Element and Fair Share Plan (the "**Settlement Agreement**"); and

WHEREAS, Toll Canter Square Rentals Urban Renewal, LLC (the "**Entity**") is a wholly owned affiliate of Toll NJ I, LLC, the owner of that certain real property located on Iron Ore Road, Manalapan, New Jersey 07726, which consists of the lots created by that certain "Final Subdivision Plat – Phase 1, Manalapan Town Homes", prepared by ESE Consultants, Inc., dated June 24, 2022, last revised February 27, 2023, including Tax Block 72.09, Lot 17 and Tax Block 72.10, Lot 111 (the "**Overall Property**"); and

WHEREAS, pursuant to the Settlement Agreement, the Entity intends to develop the Overall Property with two hundred twenty-four (224) market rate townhouse units and ninety-six (96) multi-family affordable rental units, which is expected to include twelve (12) one-bedroom apartments, sixty (60) two-bedroom apartments and twenty-four (24) three-bedroom apartments (the “**Overall Project**”); and

WHEREAS, the ninety-six (96) affordable units (the “**Project**”) is located on Block 72.09, Lot 17 and Block 72.10, Lot 111 (the “**Property**”);

WHEREAS, Toll Canter Square Rentals Urban Renewal, LLC is an urban renewal entity formed and qualified to do business under the provisions of the New Jersey Long Term Tax Exemption Law, constituting Chapter 431 of the Pamphlet Laws of 1991 of the State, and the acts amendatory thereof and supplement thereto (the “**Long Term Tax Exemption Law**”, as codified in N.J.S.A. 40A:20-1 et seq.), which will own the Project; and

WHEREAS, the Entity was created for the purposes of acquiring, owning, holding, developing, maintaining, financing, mortgaging, improving, operating, leasing, managing, using, refinancing, selling, subdividing, or otherwise dealing with the development of the Property; and

WHEREAS, the Township Committee adopted Resolution No. 2023-322, finding the Project proposed by Diocese of Trenton (the “**Sponsor**”) meets or will meet an existing housing need;

WHEREAS, pursuant to and in accordance with the provisions of the Long Term Tax Exemption Law, the Township is authorized to provide for tax exemptions for low and moderate income housing projects and for payments in lieu of taxes; and

WHEREAS, the Long Term Tax Exemption Law permits a municipality to enter into a financial agreement exempting real property from tax assessment and accepting payments in lieu of taxes where the property is qualified; and

WHEREAS, in accordance with the Long Term Tax Exemption Law, the Entity submitted a written application ("**Application**") to the Township for approval of a tax exemption for the improvements to be constructed as part of the Project ("**Improvements**"); and

WHEREAS, the Township Committee has heretofore determined, *inter alia*, that the Project would not have been constructed without a tax exemption for the Improvements; and

WHEREAS, as part of its Application for tax exemption, the Developer submitted a form of Financial Agreement ("**Financial Agreement**") providing for payments in lieu of taxes, a copy of which shall be maintained on file in the Office of the Township Clerk and which includes exhibits and schedules attached to the Financial Agreement; and

WHEREAS, the Township Committee has heretofore determined that exemption from taxation of the Improvements pursuant to the Financial Agreement and receipt by the Township of annual service charges in lieu of taxes allows maximum redevelopment of the Property and is, therefore, in the best interest of the Township and is in accordance with the provisions of the Long Term Tax Exemption Law and the public purposes pursuant to which the redevelopment has been undertaken; and

WHEREAS, the Township Committee now deems it to be in the best interest of the Township to adopt an Ordinance authorizing the Township to enter into the Financial Agreement with the Entity on the terms and conditions stated in the aforesaid Financial Agreement and as further set forth herein, including *inter alia* the granting of a tax exemption;

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Manalapan, County of Monmouth, and State of New Jersey, that the Township will enter into a Financial Agreement with the Entity on the terms and conditions stated in the Financial Agreement attached to this Ordinance and as further set forth herein:

1. The Township Committee makes such determinations and findings by virtue of and pursuant to and in conformity with the Long Term Tax Exemption Law.

2. The development of the Project is hereby approved for the grant of a tax exemption under the Long Term Tax Exemption Law by virtue of, pursuant to and in conformity with the provisions of the same.

3. The Financial Agreement, in substantially the form on file in the Office of the Township Clerk (with such changes as shall be approved by the Township Administrator and the Township Attorney upon prior notice to the Township Committee), and all exhibits and schedules thereto, are hereby authorized and approved.

4. The Improvements, when constructed and deemed substantially completed, shall be exempt from real property taxation and, in lieu of real property taxes, the Entity shall make payments to the Township of an annual service charge during the term and under the provisions set forth in the Financial Agreement.

5. Upon adoption of this Ordinance and execution of the Financial Agreement, a certified copy of this Ordinance and the Financial Agreement shall be transmitted to the Department of Community Affairs, Director of the Division of Local Government Services.

BE IT FURTHER ORDAINED AND ENACTED, that this Ordinance shall take effect upon proper passage and publication in accordance with the law;

BE IT FURTHER ORDAINED that the Mayor, the Township Administrator, the Township Chief Financial Officer be and are each hereby authorized to execute the Financial Agreement and any additional documents as are necessary to implement and carry out the intent of this Ordinance and the Financial Agreement. Such Financial Agreement and any additional documents may each be attested on behalf of the Township by the Township Clerk or Township Deputy Clerk.

NOTICE OF PUBLIC HEARING

The Ordinance published herewith was introduced and approved at a meeting of the Township Committee of the Township of Manalapan held on [October 30, 2024](#) and will be further considered

for final passage after a Public Hearing thereon before the Township Committee of the Township of Manalapan during a meeting to be held on [December 11, 2024](#) at the Municipal Complex, 120 Route 522 and Taylors Mill Road, Manalapan, New Jersey at 7:30 p.m. or as soon thereafter as the matter may be reached, or at any meeting to which that meeting may be adjourned, at which time any and all persons who may be interested therein will be given an opportunity to be heard.

The proposed Ordinance in its entirety is on file in the Municipal Clerk's Office and copies may be obtained without charge between the hours of 8:30 a.m. and 4:30 p.m. Monday through Friday. A complete copy may also be obtained from the Manalapan Township web-site www.mtnj.org by clicking on the Ordinance title listed on the Agenda posted for the Township Committee meeting of [December 11, 2024](#).

SHARI ROSE, RMC
Municipal Clerk