

BOROUGH OF EATONTOWN – NOTICE OF ORDINANCE INTRODUCTION

The Ordinance published herewith was introduced and passed upon first reading at a regular meeting of the Governing Body of the Borough of Eatontown, NJ held Wednesday, October 8, 2025. It will be further considered for final passage after a public hearing thereon at a meeting of the Governing Body to be held at the Municipal Building, 47 Broad St., Eatontown, NJ 07724 on Wednesday, October 22, 2025, at 7:30pm or as soon thereafter. Copies are available to the general public who request such copies at the office of the Borough Clerk and at the Borough website, www.eatontownnj.com under Public Notices. By Order of the Mayor and Council of the Borough of Eatontown. Julie Martin, RMC, Borough Clerk

ORDINANCE 17-2025

BOROUGH OF EATONTOWN

COUNTY OF MONMOUTH, STATE OF NEW JERSEY

ORDINANCE APPROVING APPLICATION FOR A LONG-TERM TAX EXEMPTION AND AUTHORIZING THE EXECUTION OF A FINANCIAL AGREEMENT WITH NETFLIX EATONTOWN URBAN RENEWAL, LLC

WHEREAS, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (as amended and supplemented, the “**Redevelopment Law**”), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment; and

WHEREAS, on August 23, 2017, the Borough Council (the “**Borough Council**”) of the Borough of Eatontown (the “**Borough**”), adopted Resolution 178-2017, designating certain property within the Borough’s boundaries that previously fell under the jurisdiction and control of the Fort Monmouth Economic Revitalization Authority (“**FMERA**”), including Block 301, Lot 1, Block 501, Lots 1 and 1.01, Block 601, Lot 1 and Block 701, Lot 1, as a non-condemnation “area in need of redevelopment” (the “**Original Redevelopment Area**”), according to the criteria set forth in the Redevelopment Law, as reaffirmed by Resolution 173-2023 adopted by the Borough Council on August 9, 2023; and

WHEREAS, on September 20, 2017, FMERA consented to the Borough's designation of the Original Redevelopment Area as an area in need of redevelopment in accordance with *N.J.S.A. 52:271-26(o)* and *N.J.A.C. 19:31C-3.25(a)(5)*; and

WHEREAS, on October 25, 2023, the Borough Council adopted Ordinance 31-2023, approving and adopting the Fort Monmouth Reuse and Redevelopment Plan as the “redevelopment plan” for the Original Redevelopment Area in accordance with *N.J.S.A. 40A:12A-7*; and

WHEREAS, on July 26, 2023 and August 17, 2023, respectively, the Borough and the Borough of Oceanport (“**Oceanport**”), adopted Ordinance 19-2023 and Ordinance #1078, respectively, amending the municipal boundary between the Borough and Oceanport on the property of the former Fort Monmouth, as reflected on a map prepared by FMERA dated April 21, 2023, attached to both pieces of legislation and made a part thereof, which amendment added an area of land consisting of approximately 47.5 acres (the “**Transferred Land**”) to the Borough that was formerly part of Oceanport on the property of the former Fort Monmouth; and

WHEREAS, on February 21, 2024, FMERA adopted Amendment #20 to the Fort Monmouth Reuse and Redevelopment Plan (“**Amendment #20**”) for, among other property, the “Mega Parcel”, an approximately 292+/- acre parcel of land containing former residential, administrative and research and development buildings, warehouses, workshops and additional general purpose facilities in the Borough and Oceanport, within the Main Post section of the former Fort Monmouth (the “**Netflix Redevelopment Area**”); and

WHEREAS, on September 10, 2025, the Borough Council adopted Resolution 217-2025, designating the Transferred Land as a non-condemnation “area in need of redevelopment” (the “**Additional Redevelopment Area**” and, together with the Original Redevelopment Area, the “**Redevelopment Area**”), according to the criteria set forth in the Redevelopment Law; and

WHEREAS, on September 17, 2025, FMERA consented to the Borough's designation of the Additional Redevelopment Area as an area in need of redevelopment in accordance with *N.J.S.A. 52:27I-26(o)* and *N.J.A.C. 19:31C-3.25(a)(5)*; and

WHEREAS, on September 25, 2025, the Borough Council adopted Ordinance 15-2025, approving and adopting Amendment #20 as the “redevelopment plan” for the Redevelopment Area, in accordance with *N.J.S.A. 40A:12A-7* (the “**Redevelopment Plan**”); and

WHEREAS, as a condition to the effectiveness of this Ordinance, FMERA shall have consented to the Borough's adoption of the Redevelopment Plan in accordance with *N.J.A.C. 19:31C-3.25(b)(1)*; and

WHEREAS, the Purchase and Sale Agreement & Redevelopment Agreement dated as of January 13, 2023 (as amended and supplemented from time to time, the “**Redevelopment Agreement**”), by and between FMERA and Netflix Studios RE Holdings, LLC, as successor-in-interest to Netflix, Inc. (the “**Owner**”), sets forth the terms and conditions by which the Owner will undertake to redevelop the Netflix Redevelopment Area, by undertaking the project described in Exhibit B to the hereinafter defined Financial Agreement (collectively, and as the same may be amended and supplemented from time to time pursuant to the terms of the Redevelopment Agreement, the “**Netflix Redevelopment Project**”); and

WHEREAS, a portion of the Netflix Redevelopment Project shall be developed, constructed and operated in a portion of the Redevelopment Area (also referred to herein as the “**Project Site**”), and such portion of the Netflix Redevelopment Project shall, to the extent completed and located within the Redevelopment Area, be referred to herein as the “**Project**”; and

WHEREAS, pursuant to and in accordance with the provisions of the Long Term Tax Exemption Law, *N.J.S.A. 40A:20-1 et seq.* (the “**Exemption Law**”), and the Redevelopment Area Bond Financing Law, *N.J.S.A. 40A:12A-64 et seq.* (as amended and supplemented, the “**RAB Law**” and, together with the Redevelopment Law and the Exemption Law, the “**Acts**”), the Borough is authorized to provide for and accept, in lieu of real property taxes, an annual service charge paid by the Entity to the Borough; and

WHEREAS in order to improve the feasibility of the Project, Netflix Eatontown Urban Renewal, LLC (the “**Entity**”), an affiliate of the Owner, submitted an application (the “**Application**”) to the Mayor of the Borough for a long term tax exemption pursuant to the Exemption Law; and

WHEREAS, the Mayor submitted the Application and the form of financial agreement on file in the office of the Borough Clerk and available for public inspection (the “**Financial Agreement**”) to the Borough Council, together with his recommendation for approval, a copy of which recommendation is on file with the Borough Clerk; and

WHEREAS, the Borough Council has determined that the Project represents an undertaking permitted by the Exemption Law, approves the Borough's findings as to the benefits and importance of the tax exemption as set forth in the Financial Agreement, and finds that the relative benefits of the Project justify the long term tax exemption requested in the Application.

NOW THEREFORE BE IT ORDAINED, by the Borough Council of the Borough of Eatontown, in the County of Monmouth, New Jersey, as follows:

Section 1. The aforementioned recitals hereof are incorporated herein as though set forth at length.

Section 2. The Borough Council hereby approves the Application and the Financial Agreement. The Borough Council hereby further approves the findings set forth in the Financial Agreement, consisting of the benefits of the Project versus costs, and the importance of the long term tax exemption.

Section 3. The Mayor is hereby authorized to execute the Financial Agreement substantially in the form on file in the office of the Borough Clerk and available for public inspection, together with such additions, deletions, modifications, or revisions deemed necessary or desirable in consultation with counsel to the Borough.

Section 4. The Borough Clerk 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 5. The Borough Clerk shall file certified copies of this Ordinance and the Financial Agreement with the Tax Assessor of the Borough in accordance with Section 12 of the Exemption Law.

Section 6. In accordance with P.L. 2015, c. 247, within ten (10) calendar days following the later of the effective date of this Ordinance or the execution of the Financial Agreement by the Entity, the Borough Clerk also shall transmit a certified copy of this Ordinance and the Financial Agreement to the chief financial officer of Monmouth County and to the Monmouth County counsel for informational purposes.

Section 7. The Mayor and the Borough Clerk are hereby authorized to take such action and to execute such other documents, on behalf of the Borough, in consultation with counsel, as may be necessary to effectuate the terms of the Financial Agreement.

Section 8. 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 9. A copy of this Ordinance shall be available for public inspection at the offices of the Borough.

Section 10. This Ordinance shall take effect in accordance with applicable law, provided that FMERA has consented to the Borough's adoption of the Redevelopment Plan pursuant to *N.J.A.C. 19:31C-3.25(b)(1)*.