

**FLORENCE TOWNSHIP**

**ORDINANCE NO. 2016-12**

**ORDINANCE AUTHORIZING THE TOWNSHIP OF FLORENCE, IN THE COUNTY OF BURLINGTON, NEW JERSEY TO ENTER INTO A FINANCIAL AGREEMENT BETWEEN THE TOWNSHIP AND TURNPIKE CROSSINGS II URBAN RENEWAL, L.L.C. FOR CERTAIN PROPERTY WITHIN THE ROUTE 130 REDEVELOPMENT AREA**

**WHEREAS**, on October 21, 2009 the Township Council of the Township of Florence, in the County of Burlington, New Jersey (the “Township”) adopted Resolution 2009-225 declaring designated blocks and lots fronting Route 130 within the Township as an “Area In Need of Redevelopment” (the “**Route 130 Corridor Redevelopment Area**” or “**Redevelopment Area**”); and

**WHEREAS**, the Local Redevelopment and Housing Law (N.J.S.A. 40A:12A-1 *et seq.*, the “Act”) provides a procedure for the adoption of a redevelopment plan for all or a portion of a duly designated redevelopment area; and

**WHEREAS**, Block 160.01, Lots 2.01, 2.03 and 2.04 (formerly, Block 160.01, Lots 2.01, 8, 9, 10.01, 20, 21 and 22) on the Tax Map of Township of Florence within the Township (the “**Property**”) is located in the Route 130 Corridor Redevelopment Area; and

**WHEREAS**, prior to its inclusion in the Redevelopment Area, the Property received approvals from the Planning Board of the Township of Florence (the “**Planning Board**”) for development of warehouse/distribution buildings with related roadway and site improvements; and

**WHEREAS**, in 2016, and notwithstanding said approvals and consistent efforts to market it to potential tenants, the Property remained vacant; and

**WHEREAS**, the Four B’s, a New Jersey partnership and the owner of the Project Site (as hereinafter defined), (the “**Developer**”) requested the Township use its redevelopment powers to assist in making development on the Property feasible and the Township agreed to provide assistance to allow the Property to be developed for the benefit of the Township and the remaining parcels within the Redevelopment Area; and

**WHEREAS**, Environmental Resolutions, Inc., licensed professional planners employed by the Township, developed a draft redevelopment plan for the Property (the “**Proposed Redevelopment Plan**”) which would permit development on the Property in a manner that is beneficial to the Township and consistent with the vision for the Route 130 Corridor Redevelopment Area; and

**WHEREAS**, on May 30, 2012, the Township Council reviewed the Proposed Redevelopment Plan and forwarded the Proposed Redevelopment Plan to the Planning Board for review pursuant to N.J.S.A. 40A:12A-7e; and

**WHEREAS**, on May 31, 2012, the Planning Board, together with the Board's professionals, reviewed the Proposed Redevelopment Plan, and after providing an opportunity for public comment, found that the Proposed Redevelopment Plan was not inconsistent with the Township's Master Plan and recommended that the plan be adopted by the Township pursuant to the Act; and

**WHEREAS**, on June 20, 2012, following a public hearing, the Township Council adopted Ordinance No. 2012-19 approving the Proposed Redevelopment Plan as reviewed and recommended by the Planning Board (the "**Redevelopment Plan**"); and

**WHEREAS**, the Developer has proposed to construct, or cause to be constructed by Turnpike Crossings II Urban Renewal, L.L.C., an Urban Renewal Entity (the "**Entity**") to be duly organized and created under the Long Term Tax Exemption Law, codified at N.J.S.A. 40A:20-1 et seq. (the "**LTTE**"), a facility on Block 160.01, Lot 2.03 (the "**Project Site**") consisting of a warehouse and distribution center and may include ancillary facilities including (i) office, (ii) light manufacturing, (iii) research laboratory, (iv) call center, and other uses permitted by applicable zoning and the Redevelopment Plan and signage located outside the Project Site but within the Property (the "**Project**") which will be owned by the Entity; and

**WHEREAS**, the Entity will enter into a Lease Agreement with NFI Real Estate, LLC, or a subsidiary or affiliate thereof (the "**Master Lessee**"); and

**WHEREAS**, the Master Lessee may occupy and operate the businesses within the Project or may enter into such leases or subleases with such other tenants or subtenants as the Master Lessee may deem appropriate, provided any such sublease does not materially alter the use of the Project as approved without Township approvals; and

**WHEREAS**, on April 18, 2016, the Developer, on behalf of the Entity, filed an application (the "**Application**") with the Township for a tax exemption for the improvements to be constructed within the Project (the "**Improvements**") under the LTTE; and

**WHEREAS**, the Improvements will consist, a 377,440 +/- square foot building and appurtenant site improvements, including highway access improvements and appurtenant site improvements related to drainage, parking and internal roadways to be constructed in accordance with the Redevelopment Plan and a conceptual site plan prepared by Taylor Wiseman & Taylor, dated April 6, 2016, and on file with the Township; and

**WHEREAS**, the Application stated and demonstrated that Project would not be viable without the tax exemption due to land costs and taxation issues at comparable sites in proximity to the Property; and

**WHEREAS**, the Township has concluded that (i) although a site plan approval has been in place for the Project Site for many years, no actual development on the Project Site has progressed; (ii) that the Redevelopment Area as a whole would benefit from the Project as it would lead to a "critical mass" of projects under way within the Redevelopment Area and lead to additional interest in investment from the development community; (iii) given differentials in land values and labor, taxation and utility costs, the Township's proximity to Pennsylvania requires a level of cooperation and diligence in attracting such investment; and (iv) that the Project will provide for the redevelopment of the Project Site into a productive, useful and job-creating property which is projected to result in the creation of 400 construction jobs and at least 250 permanent jobs and that such a result is a direct benefit for the health, welfare and financial well-being of the Township; and

**WHEREAS**, to promote the viability of the Project and based on the Application, the Township desires to grant the requested tax exemption and approve a schedule of payments in lieu of taxes in accordance with the terms and provisions set forth in the financial agreement attached hereto as Exhibit A (the "**Financial Agreement**"); and

**WHEREAS**, the LTTE permits the use of financial agreements between municipalities and urban renewal entities to advance projects implementing a redevelopment plan for a duly designated redevelopment area; and

**WHEREAS**, the Project would be located in the Route 130 Redevelopment Area and would be constructed in accordance with the Redevelopment Plan; and

**WHEREAS**, the LTTE further requires that financial agreements entered into pursuant to its terms be approved by a municipal ordinance; and

**WHEREAS**, the Township Council desires to approve the Financial Agreement and authorize the Mayor to execute the same;

**NOW THEREFORE BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF FLORENCE** as follows:

**Section 1. Recitals.** The recitals are fully incorporated herein.

**Section 2. Approval of the Financial Agreement.** The Financial Agreement substantially in the form attached hereto as Exhibit A, together with any non-substantive changes as may be required, are hereby approved.

**Section 3. Execution of the Financial Agreement.** The Mayor of the Township of Florence, in the County of Burlington (the "Mayor") is hereby authorized and directed, upon satisfaction of all the legal conditions precedent to the execution and delivery by the Township of the Financial Agreement, to execute the Financial Agreement in substantially the form of the draft attached hereto and with such non-substantive changes, insertions and omissions thereto as the Mayor, after consultation with counsel to the Township, deems in the Mayor's sole

discretion to be necessary or desirable for the execution thereof, which execution thereof shall conclusively evidence the Mayor's consent to any such changes thereto.

**Section 4. Attestation and Sealing of the Financial Agreement.** The Clerk of the Township is hereby authorized and directed, upon the execution of the Financial Agreement in accordance with the terms of Section 3 hereof, to attest to the signature of the Mayor upon such document and is hereby further authorized and directed thereupon affix the corporate seal of the Township upon such document.

**Section 5. Implementation of the Financial Agreement.** Upon the execution and attestation and placing of the seal on the Financial Agreement as contemplated by Sections 3 and 4 hereof, the Mayor and Township Administrator, together with the necessary staff and professionals of the Township, are hereby authorized and directed to (i) deliver the fully executed, attested and sealed document to the other parties thereto and (ii) perform such other actions as the Township Administrator deems necessary or desirable in relation to the execution and delivery of the Financial Agreement, including filing a certified copy of this ordinance and the form of agreement with the Tax Assessor of the Township and filing a copy of the executed agreement with the Office of the County Counsel and Chief Financial Officer of the County as required by N.J.S.A. 40A:20-12.

**Section 6. 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.

**Section 7. Availability Of The Ordinance.** A copy of this Ordinance shall be available for public inspection at the offices of the Township.

**Section 8. Effective Date.** This ordinance shall take effect in accordance with law.

The Ordinance has been approved on first reading by the Township Council of the Township of Florence, County of Burlington, State of New Jersey, held on April 20, 2016. It will be considered for final passage after a public hearing to be held on May 4, 2016, at 8:00 P.M. in the Municipal Complex, Council Chambers, 711 Broad Street, Florence, New Jersey.

Copies of the full ordinance are on file with the Township Clerk of the Township of Florence in the Municipal Complex. Copies may be obtained on request at no cost and a copy is posted on the municipal bulletin board in the Municipal Complex at 711 Broad Street, Florence, New Jersey.

JOY M. WEILER, RMC/MMC  
Township Clerk

