

TOWNSHIP OF FLORENCE

**ORDINANCE NO. 2012-23
AN ORDINANCE AFFIRMING AN AGREEMENT FOR TAX
EXEMPTION WITH HARKINS LANE PLAZA, L.L.C. FOR
PROPERTY LOCATED AT ROUTE 130 AND HARKINS
DRIVE, BLOCK 159, Lot 5.02**

WHEREAS, the Five-Year Exemption and Abatement Law, N.J.S.A. 40A:21-1 et seq. (the "Act") enables municipalities which have been designated as in need of rehabilitation to exempt or abate local property taxes imposed upon eligible dwellings, commercial and industrial structures; and

WHEREAS, the certain areas within the Township of Florence (the "Township") were designated by the Planning Board of the Township in accordance with P.L. 1975, Chapter 104 (now, N.J.S.A. 40A:12A-14) as an area in need of rehabilitation and is an area endangered by blight and in need of rehabilitation as measured by physical deterioration of buildings and the maintenance thereof, the age of building stock and other structures and arrearages in real property taxes due on buildings, structures and land; and

WHEREAS, since that designation in 1975, the conditions within the Township remain a concern with a persistent lack of ratable growth within the Township's industrial and commercial areas and the continued underutilization of the 200 acre tract known as the Roebing Steel Plant which was the cornerstone of the Township's economy but continues to lay fallow and polluted due to its past as a center for heavy industry; and

WHEREAS, pursuant to the Act, the Township adopted an ordinance (the "Prior Ordinance") which authorized a program to attract private investment and ratable growth within these industrial areas via a program of tax abatement and exemption; and

WHEREAS, on November 12, 2008, the Township authorized a five year exemption and a payment in lieu of taxes agreement (the “Agreement”) with Harkins Lane Plaza, L.L.C. for improvements consisting of an approximately 17,000 square foot retail and banking project and related site and parking improvements to be constructed on Route 130 and Harkins Dive, Block 159, Lot 5.02 (the “Project”) under the Prior Ordinance; and

WHEREAS, the Agreement allowed for the exemption of the taxable value for the improvements to be constructed as part of the Project as follows:

<u>Year</u>	<u>Percent of Exemption</u>
One	100%
Two	80%
Three	60%
Four	40%
Five	20%
Six and thereafter	0%

WHEREAS, the Agreement was executed by the Township and Harkins Lane Plaza, L.L.C. and the exemption and schedule of payments on the improvements authorized therein would become effective upon a Certificate of Occupancy for the improvements; and

WHEREAS, the Project has not be constructed due to economic and financial conditions generally prevalent in the Township and the State of New Jersey; and

WHEREAS, on April 18, 2012, the Township adopted Ordinance 2012-13 which continued the availability of tax abatement and exemption program originally authorized under the Prior Ordinance and expanded the program to include rehabilitation as well as new construction of industrial and commercial properties; and

WHEREAS, the Township Council of the Township of Florence desires to reaffirm the approval granted under the Prior Ordinance of the Project and the Agreement under Ordinance 2012-13;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Mayor and Council of the Township of Florence that:

1. The Township of Florence hereby reaffirms the approval and execution of the Agreement in accordance with the original application for the Project and the terms and conditions set forth in the Agreement. The Agreement remains in full force and effect and the exemption authorized therein will become operable as provided in the Agreement; provided however that absent additional future action, this approval will lapse if the Township does not issue a Certificate of Occupancy for the Project on or before December 31, 2021. A copy of the executed Agreement is attached hereto as Exhibit A.

2. This ordinance shall take effect upon final passage, approval and publication as provided by law.

I, Joy M. Weiler, RMC, MMC, Township Clerk of the Township of Florence, Burlington County, NJ, DO HEREBY CERTIFY the foregoing to be a true and exact copy of ORDINANCE NO. 2012-23, which was finally adopted by the Township Council at a meeting held on _____, 20__.

CERTIFIED BY ME THIS ____
DAY OF _____, 20__

Joy M. Weiler, RMC/MMC
Township Clerk

EXHIBIT A

FLORENCE TOWNSHIP
ORDINANCE NO. 2012-23

NOTICE OF PENDING ORDINANCE AND SUMMARY

PUBLIC NOTICE IS HEREBY GIVEN that an ordinance, the summary terms of which are included herein, was duly introduced and passed upon first reading at a regular meeting of the Township Council of the Township of Florence, in the County of Burlington, New Jersey, held on July 11, 2012. It will be further considered for final passage and adoption, after public hearing thereon, at a regular meeting of said Township Council to be held in the Municipal Building, 711 Broad Street, Florence, New Jersey on August 1, 2012 at 8:00 o'clock p.m. During the week prior to and up to and including the date of such meeting, copies of the full ordinance will be made available at no cost and during regular business hours, at the Township Clerk's office in the Municipal Building to the members of the general public who shall request the same. The summary of the terms of such ordinance follows:

Title: AN ORDINANCE AFFIRMING AN AGREEMENT FOR TAX EXEMPTION WITH HARKINS LANE PLAZA, L.L.C. FOR PROPERTY LOCATED AT ROUTE 130 AND HARKINS DRIVE, BLOCK 159, Lot 5.02

Summary: Under the Five Year Tax Exemption and Abatement Act, New Jersey municipalities authorize a program via ordinance and within that ordinance, the process for applying for an exemption. Florence Township began its program in 1994. The Township's ordinance permits a total exemption for the full five year period for certain commercial and industrial properties. For such properties, the Township receives payments in lieu of taxes paid in accordance with a schedule set forth in an agreement entered into between the Township and the property owner. These agreements are approved individually by separate ordinance.

In 2008, the Township authorized this type of agreement for a property upon which a highway retail center was to be constructed (the "Harkins Lane Plaza Agreement"). While the Harkins Lane Plaza Agreement was executed by both parties, the retail project benefitted thereby has not been constructed due to general economic conditions. On April 18, 2012, the Township reauthorized its general program of five year tax abatements and exemptions for another 10 year period (the "2012 Ordinance") which superseded all previous ordinances of the Township for this type of program. To avoid any confusion about the status of the Harkins Lane Plaza Agreement, the Township is considering the above titled ordinance to affirm the Harkins Lane Plaza Agreement under the 2012 Ordinance.

JOY M. WEILER, RMC/MMC
Township Clerk