

FLORENCE TOWNSHIP

ORDINANCE NO. 2013-18

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 III 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) within the Township (the “**Property**”) are 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 2012 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 Property, and NFI Real Estate, a New Jersey partnership serving as the developer of the Property (collectively, 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 III 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 2.04 (the "**Project Site**") consisting of a warehouse and distribution center and other uses permitted by applicable zoning and the Redevelopment Plan (the "**Project**") which will be owned by the Entity; and

WHEREAS, on August 8, 2013, 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, more or less, of a first phase consisting of approximately 239,482 square feet of warehouse and distribution center with ancillary facilities including (i) office, (ii) non-retail pharmacy, (iii) light manufacturing, (iv) research laboratory, and (v) call center, and appurtenant site improvements related to drainage, parking and internal roadways, and a second phase consisting of future expansion in the approximate size of 49,200 square feet and appurtenant site improvements to be constructed in accordance with the Redevelopment Plan; 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 more than five years, no actual development 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 600-700 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.

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.

JERRY SANDUSKY
President - Township Council

JOY M. WEILER, RMC/MMC
Township Clerk

EXHIBIT A

FORM OF FINANCIAL AGREEMENT

Note: Available in the Township Clerk's Office

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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 August 28, 2013. 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 September 11, 2013 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:

Summary: The Former Block 160.01, Lots 2.01, 8, 9, 10.01, 20, 21 and 22 within the Township of Florence, Burlington County, New Jersey (now Lots 2.01, 2.03 and 2.04 and referred to as the "Redevelopment Parcels") comprise approximately 129.6 acres of property located within the Route 130 Redevelopment Area. In June, 2012, the Township adopted a redevelopment plan for the Redevelopment Parcels. The redevelopment plan is designed to facilitate development of approximately 1,648,000 square feet of warehouse space within three buildings and related parking and roadway improvements to be constructed on the Redevelopment Parcels.

This ordinance would approve a tax exemption for certain improvements to be constructed on Block 160.01, Lot 2.04 of the Redevelopment Parcels, consisting of approximately 239,482 square feet of warehouse and distribution center with ancillary facilities including (i) office, (ii) non-retail pharmacy, (iii) light manufacturing, (iv) research laboratory, and (v) call center, and appurtenant site improvements related to drainage, parking and internal roadways, and a second phase consisting of future expansion in the approximate size of 49,200 square feet and appurtenant site improvements. In exchange for the tax exemption for the improvements, the Township would receive scheduled payments in lieu of taxes (called "Annual Service Charges") pursuant to a Financial Agreement to be approved by the Ordinance. The term for the Tax Exemption would be 20 years from the date the certificates of occupancy are issued for the Improvements. The authorization for the Township to enter into the Financial Agreement is granted under Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq., which authorizes financial agreements as an incentive to construct projects in accordance with a redevelopment plan.

Copies of the Ordinance, the Financial Agreement to be approved thereunder and the schedule of Annual Service Charges are available for public inspection in the Office of the Florence Township Clerk.

JOY M. WEILER, RMC/MMC
Township Clerk