



## Legislation Details (With Text)

**File #:** 12-1100      **Version:** 1      **Name:** Five (5) Yr Tax Abatement - 82 Walnut St.  
**Type:** Ordinance      **Status:** Adopted  
**File created:** 5/7/2012      **In control:** Finance  
**On agenda:** 9/6/2012      **Final action:** 10/3/2012  
**Title:** ORDINANCE GRANTING FIVE (5) YEARS OF TAX ABATEMENT TO THE OWNER OF THE QUALIFIED RESIDENTIAL STRUCTURE, FOR PERIOD COMMENCING FROM THE DATE OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND EXPIRING FIVE (5) YEARS THEREAFTER.

82 Walnut Street, Block 877, Lot 19 (East Ward)

Name of Owner: Freddy Espinoza Architect's Certification \$ 190,000.00

SILOT \$3,800.00 Purchase Price \$90,000.00 - 2 Family dwelling

Architect John C. Inglese- Contractor IBN Construction, Inc.

Certificate of Occupancy: January 26, 2012

### Sponsors:

### Indexes:

### Code sections:

Date	Ver.	Action By	Action	Result
10/3/2012	1	Municipal Council	Close on Public Hearing and Adopt	Pass
9/19/2012	1	Municipal Council	Adopt on First Reading	Pass
9/6/2012	1	Municipal Council	Advance to First Reading	Pass

**ORDINANCE GRANTING FIVE (5) YEARS OF TAX ABATEMENT TO THE OWNER OF THE QUALIFIED RESIDENTIAL STRUCTURE, FOR PERIOD COMMENCING FROM THE DATE OF ISSUANCE OF CERTIFICATE OF OCCUPANCY AND EXPIRING FIVE (5) YEARS THEREAFTER.**

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Certificate of Occupancy: January 26, 2012

**AN ORDINANCE GRANTING FIVE (5) YEARS OF TAX ABATEMENT TO THE OWNER(S) OF THE QUALIFIED RESIDENTIAL STRUCTURE, MORE SPECIFICALLY IDENTIFIED ON THE OFFICIAL TAX MAP AS BLOCK 877, LOT 19 AND MORE COMMONLY KNOWN AS 82 WALNUT STREET, FOR THE PERIOD COMMENCING FROM THE DATE OF ISSUANCE OF THE CERTIFICATE OF OCCUPANCY WHICH IS JANUARY 26, 2012 AND EXPIRING FIVE (5) YEARS THEREAFTER.**

**WHEREAS, Freddy Espinoza** filed a timely application with the City of Newark requesting a five (5) year tax abatement on the residential property located at **82 Walnut Street**, also known as Block **877**, Lot **19**, on the Official Tax Map for the City of Newark; and

**WHEREAS, Freddy Espinoza** has/have requested that the City of Newark grant a tax abatement pursuant to N.J.S.A. 54:4-3.139 et seq. and the Revised Ordinances of the City of Newark (R.O. 10:26-1 et seq., as amended), which provides for a five (5) year tax abatement for new residential construction in order to reduce the substantially high tax burdens and to stabilize and maintain the viability of the neighborhood; and

**WHEREAS, Freddy Espinoza** has/have provided the City of Newark with the necessary Architect's Certification and Certificate of Occupancy; and

**WHEREAS, Freddy Espinoza** has/have satisfied the City of Newark requirements regarding ownership of the aforementioned residential property and is/are eligible for a tax abatement pursuant to N.J.S.A. 54:4-3.139 et seq. and the Revised Ordinances of the City of Newark (R.O. 10:26-1 et seq., as amended); and

**WHEREAS,** it has been determined to be in the City of Newark's best interest to approve the tax abatement to **Freddy Espinoza**.

**NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:**

1. Pursuant to the Laws of the State of New Jersey (N.J.S.A. 54:4-3.139 et seq.) and the Revised Ordinances of the City of Newark (R.O. 10:26-1, et seq., as amended), the Municipal Council for the City of Newark hereby approves, as in its best interest, the Application and Financial Agreement with the property owner(s), **Freddy Espinoza**, and the granting of a tax abatement for the qualified residential property located at **82 Walnut Street**, more commonly known as Block **877**, Lot **19**, on the Official Tax Map for the City of Newark.

2. In consideration of said tax abatement on the qualified residential property as identified in the attached application, the property owner(s) shall remit to the City of Newark an annual payment in lieu of taxation for the improvements identified thereon in the amount representing two percent (2%) of the total cost for said improvements, which equates to an annual payment in the amount of **\$3,800.00**, plus an increase of 1% above the amount otherwise chargeable as a payment in lieu of taxes for non-owner occupancy, if applicable.

3. The annual payments in lieu of taxation on the qualified residential property identified in the application shall be paid quarterly, together with, and on the same due dates as the taxes assessed upon the land for said premises.

4. Nothing herein shall, impliedly or otherwise, relieve said property owner(s) from the obligation to comply with and conform to all applicable statutes, municipal ordinances, and the lawful regulations, made pursuant thereto, governing land, building(s) and the use thereof.

5. The tax abatement hereby granted shall be in effect for a period of not more than five (5) years commencing from the date of the issuance of a Certificate of Occupancy and expiring five (5) years thereafter, unless terminated sooner pursuant to the requirements of the Agreement. The Municipal Council ratifies the granting of the tax abatement for the period from the date of issuance of the Certificate of Occupancy, as more specifically identified in the attached application, to the date of adoption of this Ordinance.

6. The tax abatement hereby granted is based upon the applicant(s)/owner(s)' representations and supporting documentation identifying the subject property as two (2) family residential unit(s) of approximately **3,594** square feet with a total project cost of **\$190,000.00** as certified by a Licensed Architect. During the life of the tax abatement, any construction changes and/or improvements to the interior and/or exterior of the residential structure inconsistent with the original Application, Certificate of Occupancy and Architect's Certification must be presented to and approved by the Municipal Council for the City of Newark prior to initiating same. The property owner is responsible for filing the formal, written application with the City of Newark, Office of Tax Assessor, detailing all proposed constructional changes and/or improvements and identifying all amendments to and/or effects upon the terms and conditions of the tax abatement Agreement between the property owners and the City of Newark consistent with Addendum "A" of the Financial Agreement.

7. According to the Tax Assessor's certification, attached hereto, the assessed value for the land presently in effect is a total of **\$74,700.00**. The annual tax prior to construction was **\$2,486.02**.

8. The Mayor, on behalf of the City of Newark, is hereby authorized to execute, and the City Clerk to attest and affix the seal of the City of Newark to, the aforementioned Agreement for tax abatement and the same to be approved as to form and legality by the Corporation Counsel. An executed copy of the Agreement and Application shall be placed on file in the Office of the City Clerk by the Tax Collector.

9. The herein identified residential property shall be subject to the total tax levy and administrative fee as more fully set forth in the Financial Agreement.

10. The applicant(s)/owner(s) are required to pay all outstanding taxes and/or water and sewer charges prior to the execution of the Financial Agreement.

11. The applicant(s) have complied with all zoning and construction codes and municipal inspections as evidenced by the certificate of occupancy.

12. The Tax Assessor and Tax Collector are hereby authorized to take any and all necessary action to implement the provisions of this Ordinance.

13. The property owner(s) shall notify the Law Department in writing of any alterations and/or improvements made to the subject property, including a description, a copy of any permits, and the total cost for said alterations and/or improvements.

14. In the event alterations and/or improvements are made to the subject property pursuant to Paragraph 13, the additional costs will be added to the initial cost certified by the architect, and calculated in accordance with Paragraph 2.

15. Fraud or misrepresentation of material facts surrounding the tax abatement

application and related documents thereto shall be grounds to rescind the tax abatement and financial agreement ab initio.

16. This Ordinance shall take effect upon final passage and publication according to law.

### **STATEMENT**

Ordinance granting a five (5) year tax abatement to Freddy Espinoza, for the residential property located at 82 Walnut Street, and more commonly known as Block 877, Lot 19, on the official Tax Map for the City of Newark.