

**ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON,
APPROVING AN AMENDMENT TO THE FINANCIAL AGREEMENT
WITH 190 W. 54TH STREET URBAN RENEWAL ASSOCIATES,
L.L.C.**

WHEREAS, on the basis of a preliminary investigation and recommendation of the Planning Board of the City of Bayonne (the "Planning Board") pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A: 12A-1 et. seq., the City Council of the Town of City of Bayonne (the "City Council") determined that certain property known as Block 32, Lot 21.01 on the Tax Maps, and all air rights and riparian rights attached or associated with those parcels, should be classified as a redevelopment area in accordance with N.J.S.A. 40A: 12A-5 (the "Redevelopment Area"); and

WHEREAS, at the discretion of the City Council, the Planning Board prepared and recommended adoption of a proposed redevelopment plan; and

WHEREAS, on February 19, 2014, the City Council passed Ordinance No. 0-14-04 adopting the proposed redevelopment plan as the redevelopment plan of the City of Bayonne (the "City") for the Redevelopment Area (the "Redevelopment Plan"); and

WHEREAS, the Redevelopment Plan calls for the Redevelopment Area to be developed as a mixed residential community consisting of approximately 250 apartment units and associated uses, including roadways, parking facilities, walkways, parks, and other recreational amenities; and

WHEREAS, on August 12, 2014 the Planning Board adopted final site plan approval for a 248 unit multifamily residential development; and

WHEREAS, 190 W. 54TH STREET URBAN RENEWAL ASSOCIATES, L.L.C. proposed to construct approximately 248 residential apartment units, along with associated roadways and facilities (the "Project") in the project area; and

WHEREAS, 190 W. 54TH STREET URBAN RENEWAL ASSOCIATES, L.L.C. applied to the City Council for tax exemption pursuant to the New Jersey Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et. seq (the "Exemption Law") with respect to the Project; and

WHEREAS, on October 21, 2015, as evidenced by the passage of Ordinance No. O-15-37, the City Council found that the requested tax exemptions would benefit the City and its inhabitants by furthering the redevelopment of the property which had remained unused and vacant for many years, and that the benefits would substantially outweigh the costs, if any, associated with the tax exemptions; and

WHEREAS, the City Council further found that the requested tax exemptions are important to the City and that without the incentive of the tax exemptions, it is unlikely that the Project would be undertaken; and

WHEREAS, as part of its application for a tax exemption, 190 W. 54TH STREET URBAN RENEWAL ASSOCIATES, L.L.C. submitted a form of Financial Agreement (the "Financial Agreement") providing for payments in lieu of taxes; and

WHEREAS, 190 W. 54TH STREET URBAN RENEWAL ASSOCIATES, L.L.C. also presented to this body certain financial information, which were all considered prior to the passage of Ordinance No. O-15-37; and

WHEREAS, 190 W. 54TH STREET URBAN RENEWAL ASSOCIATES, LLC has now requested that the terms of the proposed Financial Agreement be modified to reflect a slight decrease in the in the 30 year payment total due to a change in the unit mix and a resulting reduction in the number of proposed units; and

WHEREAS, this Municipal Council deems it to be in the best interest of the City to pass an Ordinance authorizing a modification the proposed Financial Agreement with 190 W. 54TH STREET URBAN RENEWAL ASSOCIATES, L.L.C. as more particularly set forth in letters dated April 27, 2017 and May 2, 2017, which letters are made part and parcel hereof; now, therefore, be it

ORDAINED, by the Municipal Council of the City of Bayonne, as follows:

1. The Mayor and Clerk are hereby authorized to execute a modified Financial Agreement with 190 W. 54th Street Urban Renewal, L.L.C. reflecting that the percentages be amended as follows:

FROM:	Approved
Years	
1 through 12	12%
13 through 25	13%

TO:	Proposed
Years	
1 through 5	10%
6 through 12	12%
13 through 19	13%
20 through 25	14%

consistent with the terms and conditions set forth in letters to the City of Bayonne dated April 27, 2017 and May 2, 2017 and subject to any further review, analysis or modifications that counsel may deem appropriate.

2. Legal counsel is authorized to prepare, and the Mayor and Clerk are hereby authorized to execute, any additional documents that maybe necessary to implement and carry out the modification of the Financial Agreement.