

O-16-11
03/16/16

**ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON
APPROVING A FINANCIAL AGREEMENT WITH 662 AVENUE C URBAN
RENEWAL LLC**

WHEREAS, the City of Bayonne, in the County of Hudson, New Jersey (the “**City**”), a public body corporate and politic of the State of New Jersey (the “**State**”), is authorized pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “**Redevelopment Law**”), to determine whether certain parcels of land within the City constitute an area in need of rehabilitation and/or an area in need of redevelopment; and

WHEREAS, on January 25, 2006, the Municipal Council passed Ordinance O-06-02 which adopted the Scattered Site Redevelopment Plan prepared by H2M Associates, Inc. for the Scattered Site Redevelopment Area in accordance with the Redevelopment Law;

WHEREAS, the Scattered Site Redevelopment Area consists of 34 sites ranging from small vacant lots on Broadway to large former industrial lots near Route 169, including the subject parcel, which is known as Block 163, Lot 45 (the “**Parcel**”) on the Tax Map of the City (commonly referred to as 662-666 Avenue C);

WHEREAS, the Municipal Council, pursuant to Resolution No. 15-02-18-52, directed the Planning board, to review those portions of the Scattered Sites Redevelopment Plan (the “**Redevelopment Plan**”) relating to the Parcel known as Block 163, Lot 45, and make recommendations to the Municipal Council regarding an update to the Redevelopment Plan in accordance with the Redevelopment Law; and

WHEREAS, the City of Bayonne, Division of Planning & Zoning, Department of Municipal Services prepared an amendment to the Redevelopment Plan for the Parcel titled “Amendment To The Scattered Site Redevelopment Plan To Provide For An Overlay Zone for Block 163, Lot 45) dated April 10, 2015 (the “**Amended Redevelopment Plan**”); and

WHEREAS, on April 14, 2015, the Planning Board of the City (the “**Planning Board**”) reviewed the Amended Redevelopment Plan and adopted a Resolution recommending the adoption of the Amended Redevelopment Plan to the Municipal Council and concluding that the Amended Redevelopment Plan is consistent with the Master Plan of the City of Bayonne (the “**Resolution**”); and

WHEREAS, on May 20, 2015, the Municipal Council adopted Ordinance #0-15-07 adopting an Amended Redevelopment Plan for the Scattered Site Redevelopment Plan to Provide for an Overlay Zone for Block 163, Lot 45; and

WHEREAS, 662 AVENUE C URBAN RENEWAL, LLC proposes to construct up to **33** residential apartment units, along with associated parking and improvements

(the “Project”) in the project area consistent with the Amended Redevelopment Plan;

WHEREAS, 662 AVENUE C URBAN RENEWAL, LLC has 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, the City Council finds that the requested tax exemptions will benefit the City and its inhabitants by furthering the redevelopment of the property which had remained 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 finds 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 will be undertaken; and

WHEREAS, as part of its application for a tax exemption, 662 AVENUE C URBAN RENEWAL, LLC has submitted a form of Financial Agreement (the “Financial Agreement”) providing for payments in lieu of taxes, a copy of which is attached to this Ordinance; and

WHEREAS, 662 AVENUE C URBAN RENEWAL, LLC has presented to this body certain financial information, copies of which are attached as exhibits to this Ordinance; and

WHEREAS, the City Council deems it to be in the best interest of the City to pass an Ordinance authorizing the City to enter into the proposed Financial Agreement with 662 AVENUE C URBAN RENEWAL, LLC on the terms and conditions stated in the applicable form of Financial Agreement attached to this Ordinance;

NOW THEREFORE, be it Ordained that the City Council of the City of Bayonne does hereby adopt the tax exemptions for 662 AVENUE C URBAN RENEWAL, LLC as follows:

Section 1. The development of the Project is hereby approved for the grant of a tax exemption under the Exemption Law by virtue of, pursuant to, and in conformity with the provisions of the Exemption Law.

Section 2. The Mayor is hereby authorized to execute the Financial Agreement with 662 AVENUE C URBAN RENEWAL, LLC in substantially the form attached hereto and subject to any further review, analysis or modifications that counsel may deem appropriate.

Section 3. During the term of the tax exemption with respect to 662 AVENUE C URBAN RENEWAL, LLC there shall be paid to the City in lieu of any taxes to be paid on the improvements of the Project, an annual service charge determined as provided in the Financial Agreement.

Section 4. Counsel is authorized to prepare, and the Mayor is

hereby authorized to execute, any additional documents that may be necessary to implement and carry out the intent of the Financial Agreement.

JFC/jc