

Agenda No. O-10

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF BAYONNE, COUNTY OF HUDSON, STATE OF NEW JERSEY AMENDING ORDINANCE NO. O-24-02 ENTITLED “ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF BAYONNE, COUNTY OF HUDSON, STATE OF NEW JERSEY APPROVING A FINANCIAL AGREEMENT BY AND BETWEEN THE CITY OF BAYONNE AND BAYONNE JV, LLC FOR THE PROPERTY LOCATED AT 175 AVENUE A, WHICH PROPERTY IS IDENTIFIED AS BLOCK 300.01, LOTS 1, 2 AND 3 AND BLOCK 301.03, LOTS 2 AND 3 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE” TO CORRECT A SCRIVENER’S ERROR REGARDING THE NAMES OF THE ENTITIES AND TO READ AS FOLLOWS: (additions ****between asterisks and/or in bold****, deletions {within brackets and/or ~~struck through~~):

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF BAYONNE, COUNTY OF HUDSON, STATE OF NEW JERSEY APPROVING A FINANCIAL AGREEMENT BY AND BETWEEN THE CITY OF BAYONNE AND {~~BAYONNE JV, LLC~~} **BAYVIEW I URBAN RENEWAL, LLC, BAYVIEW II URBAN RENEWAL, LLC, BAYVIEW III URBAN RENEWAL, LLC, BAYVIEW IV URBAN RENEWAL, LLC AND BAYVIEW V URBAN RENEWAL, LLC**** FOR THE PROPERTY LOCATED AT 175 AVENUE A, WHICH PROPERTY IS IDENTIFIED AS BLOCK 300.01, LOTS 1, 2 AND 3 AND BLOCK 301.03, LOTS 2 AND 3 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE”**

WHEREAS, the City of Bayonne, in the County of Hudson, New Jersey (the "City"), 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, pursuant to the Redevelopment Law, the Municipal Council of the City of Bayonne (the "City Council") adopted Resolution No. 98-02-04-040, designating the entire City as an area in need of rehabilitation in accordance with N.J.S.A. 40A:12A-14; and

WHEREAS, by Resolutions dated January 16, 2019 and June 19, 2019, the Municipal Council of the City (the “Municipal Council”) designated the property located at 175 Avenue A and identified as Block 300.01, Lots 1, 2 and 3 and Block 301.03, Lots 2 and 3 on the official tax map of the City of Bayonne as a non-condemnation area in need of redevelopment under the Redevelopment Law in accordance with the provisions of N.J.S.A. 40A:12A-6 of the Redevelopment Law (the “Redevelopment Area”); and

WHEREAS, on October 21, 2020, the Municipal Council adopted Ordinance O-5 adopting a redevelopment plan titled “Bayview Redevelopment Plan” dated August 11, 2020 (“Redevelopment Plan”) (hereinafter the “Redevelopment Plan”); and

WHEREAS, by resolutions adopted on September 25, 2019, January 15, 2020 and May 13, 2020, the Municipal Council has designated ~~{Bayonne JV, LLC}~~ ****Bayview I Urban Renewal, LLC, Bayview II Urban Renewal, LLC, Bayview III Urban Renewal, LLC, Bayview IV Urban Renewal, LLC and Bayview V Urban Renewal, LLC**** as “redeveloper”, as defined in the Redevelopment Law, of Block 300.01, Lots 1, 2 and 3 and Block 301.03, Lots 2 and 3 to undertake development, redevelopment, and construction on Block 300.01, Lots 1, 2 and 3 and Block 301.03, Lots 2 and 3 (the “Property”) in accordance with the Redevelopment Plan, as amended, and related improvements; and

WHEREAS, ~~{BAYONNE JV, LLC}~~ ****Bayview I Urban Renewal, LLC, Bayview II Urban Renewal, LLC, Bayview III Urban Renewal, LLC, Bayview IV Urban Renewal, LLC and Bayview V Urban Renewal, LLC**** (the “Entity”) is or will be the owner or long-term lessee of property identified on the Tax Maps of the City as Block 300.01, Lots 1, 2 and 3 and Block 301.03, Lots 2 and 3 (the “Property”), which Property is more particularly described by the legal description set forth in the application submitted by the Entity (the “Application”); and

WHEREAS, the Entity is or will be the designated redeveloper of the Property; and

WHEREAS, the Entity proposes to redevelop the Property with a project that will consist of construction of four (4) new mixed use buildings, with one thousand one hundred (1,100) residential dwelling units and residential amenities including a green roof, bike storage room, indoor amenity space, waterfront walkway and a structured parking facility consisting of one thousand four hundred ninety-three (1,493) parking spaces, plus one hundred sixty-two (162) ground parking spaces as well as related on-site and public improvements, in accordance with the Redevelopment Plan (the “Project”); and

WHEREAS, the Entity submitted an application to the City for approval of an exemption for the Project pursuant to the Long-Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq. (the “LTTE Law”), which Application is attached hereto as Exhibit A; and

WHEREAS, the City and the Entity reviewed the application and negotiated the terms of a financial agreement pursuant to the LTTE Law (the “Financial Agreement”); and

WHEREAS, the Municipal Council finds that the requested tax exemption will benefit the City and its inhabitants by improving the use of the Property and providing economic opportunities for residents through construction and permanent job creation, and the benefits would substantially outweigh the costs, if any, associated with the tax exemption; and

WHEREAS, the Municipal Council further finds that the requested tax exemption is important to the City and that without the incentive of the tax exemption, it is unlikely that the Project will be undertaken; and

WHEREAS, the Municipal 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 the Entity on the terms and conditions stated in the applicable form of Financial Agreement attached to this Ordinance.

NOW THEREFORE, be it ordained that the Municipal Council of the City of Bayonne does hereby adopt the tax exemptions for the Entity as follows:

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

Section 2. The Mayor is hereby authorized to execute the Financial Agreement with the Entity 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 the Entity 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.