

O-18-42
08/15/18

ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON, NEW JERSEY ADOPTING A SECOND AMENDED REDEVELOPMENT PLAN FOR THE PROPERTY COMMONLY KNOWN AS BAYONNE BAY EAST LOCATED AT THE PENINSULA AND REFERRED TO AS A PORTION OF BLOCK 830, LOTS 1.05, 1.06, 1.07, AND A PORTION OF MEMORIAL BOULEVARD FORMERLY A PORTION OF BLOCK 830, LOT 1 AS SHOWN ON THE OFFICIAL TAX MAP IN THE CITY OF BAYONNE PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, *N.J.S.A. 30A:12A-1 ET. SEQ.*

WHEREAS, the Municipal Council of the City of Bayonne in its capacity as the redevelopment entity (the “**Municipal Council**”) for the City of Bayonne is responsible for implementing redevelopment plans and carrying out redevelopment projects pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “**Redevelopment Law**”); and

WHEREAS, pursuant to a decision by the United States of America to decommission its facilities at the Bayonne Military Ocean Terminal, and while the City of Bayonne Redevelopment Agency, also known as the Bayonne Local Redevelopment Authority (the “**BLRA**”) was the redevelopment entity for the Peninsula, the Peninsula was conveyed to the BLRA pursuant to certain Quitclaim Deeds (dated September 28, 2001 and December 11, 2002, respectively, and recorded on October 3, 2001 and January 24, 2003, respectively); and

WHEREAS, on November 23, 1999, in accordance with the criteria set forth in the Redevelopment Law, the City identified and designated the Bayonne Military Ocean Terminal (hereinafter referred to as the “**Peninsula**”) as an area in need of redevelopment, including that certain property known as Block 830, Lot 1, more specifically 12.5 acres of the Bayonne Bay District defined as B7, B8, B16 and B17 (bordered by Memorial Drive to the North, Center Street to the South, M Street to the East and K Street to the West), on the Bayonne Local Redevelopment Agency Redevelopment Plan for the Peninsula at Bayonne Harbor (the “**Redevelopment Plan**”) and the official tax map of the City of Bayonne (the “**Property**”); and

WHEREAS, previously, the BLRA was designated as the “redevelopment entity” for the Peninsula pursuant to *N.J.S.A. 40A:12A-4(c)*, with responsibility for the implementation of redevelopment plans and the carrying out of redevelopment projects on the Peninsula; and

WHEREAS, the Redevelopment Plan was adopted on July 19, 2006 with subsequent amendments made thereto; and

WHEREAS, by Ordinance No. 0-13-22, adopted on August 14, 2013, the City dissolved the BLRA pursuant to the Local Fiscal Control Law, *N.J.S.A. 40:51-20*, and became, as a matter of law, the successor-in-interest of all properties owned by the BLRA as of the date of the dissolution, including without limitation, all properties located on the Peninsula owned by BLRA as of such date; and

WHEREAS, the City’s fee ownership of all properties owned by BLRA, including those on the Peninsula, was confirmed by Quitclaim Deed from BLRA to the City dated October 16, 2013 and recorded in the Register of Deeds of Hudson County, New Jersey on January 9, 2014, in Deed Book 8952, Page 477 et seq.; and

WHEREAS, the City has determined to act as the “redevelopment entity” for the Property located on the Peninsula (the “**Redevelopment Entity**”); and

WHEREAS, the Redevelopment Law authorizes the City to arrange or contract for the planning, construction or undertaking of any development project or redevelopment work in an area designated “as an area in need of redevelopment” pursuant to *N.J.S.A.* 40A:12A-8; and

WHEREAS, Section 2.12.1 of the Redevelopment Plan, entitled “Redeveloper Selection,” allows for the selection of redevelopers of specific sites, blocks or districts in any number or combination as is deemed necessary; and

WHEREAS, on November 10, 2015, the Municipal Council passed Resolution 15-11-10-034 designating Boraie Development Urban Renewal LLC as the Redeveloper of the Property and authorized the execution of a Redevelopment and Purchase and Sale Agreement by and between the City of Bayonne as Redevelopment Entity and Boraie Development Urban Renewal LLC; and

WHEREAS, on September 1, 2016, a Major Subdivision Plat subdividing Block 830, Lot 1, and creating Block 830, Lots 1.01, 1.02, 1.03, 1.04, 1.05, 1.06, and 1.07, was recorded with the Office of the Hudson County Register; and

WHEREAS, on November 9, 2016, the Municipal Council directed the Planning Board, to prepare and review an amended Redevelopment Plan for the Property and make recommendations to the Municipal Council in accordance with the Redevelopment Law; and

WHEREAS, an amended Redevelopment Plan titled “Bayonne Bay East Redevelopment Plan” (the “**Amended Redevelopment Plan**”) dated June 6, 2017, and revised June 19, 2017 was prepared by the City Planning Department which incorporates the properties located at Block 830, Lot 1.05, 1.06, 1.07, and a portion of Memorial Boulevard (the “**Redevelopment Area**”) to the Redevelopment Plan; and

WHEREAS, on July 19, 2017, the Municipal Council passed and Ordinance approving the Amended Redevelopment Plan; and

WHEREAS, on May 16, 2018, in response to a request from the designated Redeveloper, the Municipal Council directed the Planning Board to prepare and review further amendments to the Amended Redevelopment Plan which it believes are in the best interest of the project and make recommendations to the Municipal Council in accordance with the Redevelopment Law; and

WHEREAS, an amended Redevelopment Plan titled “Bayonne Bay East Redevelopment Plan” (the “**Second Amended Redevelopment Plan**”) dated July 3, 2018, and revised July 10, 2018 was prepared by the City Planning Department; and

WHEREAS, the Municipal Council desires to adopt the Second Amended Redevelopment Plan in order to effectuate a plan that is consistent with the goals and objectives of the City for the redevelopment of the Redevelopment Area; and

WHEREAS, the Municipal Council believes that the adoption of the Second Amended Redevelopment Plan is in the best interest of the City for the redevelopment of the Redevelopment Area.

NOW THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF BAYONNE, NEW JERSEY AS FOLLOWS:

Section 1. The aforementioned recitals are incorporated herein as though fully set forth at length.

Section 2. The Second Amended Redevelopment Plan is hereby adopted pursuant to the terms of N.J.S.A. 40A:12A-7 of the Redevelopment Law. Further, the Second Amended Redevelopment Plan shall amend, replace and supersede any prior redevelopment plans with respect to the Redevelopment Area.

Section 3. The zoning district map in the zoning ordinance of the City is hereby amended to include the Redevelopment Area per the boundaries described in the Second Amended Redevelopment Plan and the provisions thereon.

Section 4. 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 5. A copy of this Ordinance and the Second Amended Redevelopment Plan shall be available for public inspection at the office of the City Clerk during regular business hours.

Section 6. This Ordinance shall take effect in accordance with all applicable laws.