

**O-20-37**  
**07-15-20**

**ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON APPROVING A FINANCIAL AGREEMENT BY AND BETWEEN THE CITY OF BAYONNE AND 345-347 AVENUE A URBAN RENEWAL LLC FOR THE PROPERTY LOCATED AT 343-347 AVENUE A, WHICH PROPERTY IS IDENTIFIED AS BLOCK 254, LOT 22.01 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**”), 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**, the Municipal Council of the City (the “**Municipal Council**”) adopted 9802-04-040, which designated the entire City of Bayonne as an area in need of rehabilitation in accordance with the provisions of *N.J.S.A. 40A:12A-14* of the Redevelopment Law; and

**WHEREAS**, 345-347 AVENUE A URBAN RENEWAL LLC (the “**Entity**”) is the owner of certain property identified on the Tax Maps of the City as Block 254, Lot 22.01, (the “**Property**”) as more particularly described by the metes and bounds description set forth in the application submitted by the Entity (the “**Application**”); and

**WHEREAS**, the City Council designated the Property as a non-condemnation area in need of redevelopment (the Redevelopment Area”).

**WHEREAS**, pursuant to *N.J.S.A. 40A:12A-7*, on August 15, 2018, the City duly adopted an ordinance approving the redevelopment plan entitled “Block 254 Lot 22 (343 Avenue A) Block 254 Lot 23 (345-347 Avenue A)” dated June 19, 2018 (the “Redevelopment Plan”);” (and as same may be further amended from time to time, the “**Redevelopment Plan**”) for the Redevelopment Area; and

**WHEREAS**, on September 12, 2018, the City Council designated the Entity as Redeveloper; and

**WHEREAS**, the proposed project to be undertaken on the Property consists of the construction of a residential structure containing thirty one (31) residential units and thirty six (36) parking spaces as submitted to the City of Bayonne Planning Board (the “**Project**”); and

**WHEREAS**, the Entity has submitted an Application to the City for approval of a tax exemption for the Project pursuant to the Exemption Law, which Application is attached hereto as **Exhibit A**; and

**WHEREAS**, the Entity 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 and the Entity reviewed the request and adjusted the terms of the Financial Agreement, and

**WHEREAS**, the City Council finds that the requested tax exemptions will benefit the City and its inhabitants by furthering and improving the quality like of the projects residents and maintaining the affordability of the property, and reclaiming an empty parcel and that the benefits would substantially outweigh the costs, if any, associated with the tax exemptions;

**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, the Entity 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**, the Entity 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 345-347 AVENUE A 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 345-347 AVENUE A 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 345-347 AVENUE A 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 345-347 AVENUE A 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.