

O-21-06
1/20/21

ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON APPROVING A FINANCIAL AGREEMENT BY AND BETWEEN THE CITY OF BAYONNE 746 AVE E BAYONNE URBAN RENEWAL, LLC FOR THE PROPERTY LOCATED AT 732-746 AVENUE E, WHICH PROPERTY IS IDENTIFIED AS BLOCK 393, LOTS 3, 4 AND 5 AS SHOWN ON THE OFFICIAL TAX MAP OF THE CITY OF BAYONNE(Beacon Oil)

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, the 746 AVE E BAYONNE URBAN RENEWAL, LLC is the owner or will be owner of the property identified on the Tax Maps of the City as Block 393, Lots 3, 4 and 5 (the “Property”), as more particularly described in the tax exemption application and its exhibits (the “Application”) submitted by the Entity to the City; and

WHEREAS, the Property is located in the City’s Urban Enterprise Zone created pursuant to the New Jersey Urban Enterprise Zones Act, *N.J.S.A. 52:27H-60 et seq.* and has been designated as an area in need of redevelopment (the “Redevelopment Area”) pursuant to the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*, as amended and supplemented (the “Local Redevelopment and Housing Law”); and

WHEREAS, on November 7, 2018, the City Council enacted Ordinance No. #18-63, adopting a Redevelopment Plan for the Property entitled “Amendment to the Scattered Site Redevelopment Plan for a Portion of the Plan located at 736-742 Avenue E, Block 393, Lots 3, 4 and 5 (Beacon Oil), dated September 11, 2018 (the “Redevelopment Plan”); and

WHEREAS, by Resolution, the City Council designated 746 AVE E BAYONNE URBAN RENEWAL, LLC. as the redeveloper (the “Redeveloper”) to undertake the necessary redevelopment of the Property with the construction of one (1) multi-family residential building containing 82 residential apartments and 82 on-site parking spaces, as well as related improvements, in accordance with the Redevelopment Plan (the “Project”); and

WHEREAS, by Resolution, the City Council authorized the negotiation and execution of a Redevelopment Agreement between 746 AVE E BAYONNE URBAN RENEWAL, LLC. and the City (the “Redevelopment Agreement”); and

WHEREAS, the 746 AVE E BAYONNE URBAN RENEWAL, LLC has submitted the Application to the City for the approval of an exemption for the Project pursuant to the Long Term Tax Exemption Law, which Application and all its Exhibits are attached as **Exhibit A**; and

WHEREAS, the 746 AVE E BAYONNE 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 and the 746 AVE E BAYONNE URBAN RENEWAL, LLC 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 746 AVE E BAYONNE 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, the 746 AVE E BAYONNE 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 746 AVE E BAYONNE 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 746 AVE E BAYONNE 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 746 AVE E BAYONNE 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 746 AVE E BAYONNE 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.