

O-21-27
6/16/21

ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON APPROVING A FINANCIAL AGREEMENT BY AND BETWEEN THE CITY OF BAYONNE AND BAYONNE EQUITIES BII URBAN RENEWAL, LLC FOR THE PROPERTY LOCATED AT 9-11 WEST 12TH STREET AND 281-289 BROADWAY, WHICH PROPERTY IS IDENTIFIED AS BLOCK 264, LOTS 15, 16, 17 AND 18 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, on March 16, 2005, the City of Bayonne (the “**City**”) Municipal Council adopted Resolution 05-03-16-048 authorizing and directing the Planning Board to (i) conduct investigations pursuant to *N.J.S.A. 40A:12A-6* to determine whether Block 264 lots 15, 16, 17 and 18 in the City and described on the Tax Map of the City of Bayonne, State of New Jersey, satisfy the criteria to be designated as areas in need of redevelopment under *N.J.S.A. 40A:12A5* and as being in a designated Urban Enterprise Zone (“**UEZ**”) and (ii) prepare a redevelopment plan for the Study Areas; and

WHEREAS, the City of Bayonne, Division of Planning & Zoning, Department of Municipal Services in conjunction with Local and Planning Services of the Department of Community Affairs, has prepared a rehabilitation plan for the Rehabilitation Area titled “City of Bayonne 8th Street Station Rehabilitation Area Plan” dated February 3, 2015 (the “**Rehabilitation Plan**”); and

WHEREAS, on February 25, 2015, the Planning Board adopted a Resolution recommending the 8th Street Station Rehabilitation Area Plan to the Municipal Council and concluding that the Rehabilitation Plan is consistent with the Master Plan of the City of Bayonne (the “**Resolution**”); and

WHEREAS, on April 22, 2015, the Bayonne Municipal Council (the “**Municipal Council**”) adopted an Ordinance approving the 8th Street Station Rehabilitation Area Plan in order to effectuate a plan that is consistent with the goals and objectives of the City for the redevelopment of the Property; and

WHEREAS, the Municipal Council adopted a Resolution on February 14, 2018 authorizing the Planning Board of the City (the “**Planning Board**”) to reopen and amend the Rehabilitation Plan and to transmit its recommendations relating to the sites contained in the Rehabilitation Plan in order to expand the scope of the revitalization and redevelopment efforts in the City and make modifications to the Redevelopment Plan necessary to further the goals and objectives of the Master Plan; and

WHEREAS, on January 16 2019, the Bayonne Municipal Council (the “**Municipal Council**”) adopted an Ordinance approving the amendment to the 8th Street Station Rehabilitation Area Plan for Block 264 15, 16, 17 and 18 in order to effectuate a plan that is consistent with the goals and objectives of the City for the redevelopment of the Property

WHEREAS, BAYONNE EQUITIES BII URBAN RENEWAL, LLC, with an office address of 3119 Newtown Ave, Suite 302 Astoria, NY 11102, was designated as redeveloper of the Redevelopment Area, as provided for and in accordance with the provisions of the Redevelopment Law.

WHEREAS, BAYONNE EQUITIES BII URBAN RENEWAL, LLC obtained site plan approval from the Planning Board of the City of Bayonne, for redevelopment of Block 264 Lots 15, 16, 17 and 18 (which may be consolidated by Redeveloper) consistent with the Redevelopment Plan; and

WHEREAS, BAYONNE EQUITIES BII URBAN RENEWAL, LLC proposes to construct, a mixed use multifamily residential building consisting of a minimum of 100 residential units and approximately 2,200 square feet of retail space (the “**Project**”); and

WHEREAS, the **BAYONNE EQUITIES BII URBAN RENEWAL, LLC** has submitted an Application to the City for approval of a tax exemption for the Project pursuant to the LTTE 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 LTTE 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 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;

WHEREAS, the City 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 City has undertaken a policy to encourage jobs, both construction related and permanent, and has determined to suspend certain affordable housing requirements in furtherance of such policy; 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 **BAYONNE EQUITIES BII 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 **BAYONNE EQUITIES BII 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 **BAYONNE EQUITIES BII 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 **BAYONNE EQUITIES BII 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.

I, MADELENE C. MEDINA, City Clerk of the City of Bayonne, in the County of Hudson and State of New Jersey, DO HEREBY CERTIFY that the foregoing is a true copy of an ordinance passed by the Municipal Council of the City of Bayonne at a meeting held June 16, 2021 as the same is taken from and compared with the original now remaining on file and of record in my office.

IN WITNESS WHEREOF, I have set my hand and affixed the corporate seal of the City of Bayonne, this 21st day of June, 2021.

Madelene C. Medina
City Clerk

Approved: _____ Date: _____

James M. Davis, Mayor

