

O-21-42
10/20/21

ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON APPROVING A FINANCIAL AGREEMENT BY AND BETWEEN THE CITY OF BAYONNE AND MA DURGA CHOSIN URBAN RENEWAL, LLC FOR THE PROPERTY LOCATED AT CHOSIN FEW WAY, WHICH PROPERTY IS IDENTIFIED AS BLOCK 751, LOT 1.15 and 1.11 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, MA DURGA CHOSIN URBAN RENEWAL, LLC, (THE “**Entity**”) is the owner of certain property identified on the Tax Maps of the City as Lot 1.15 in Block 751 as shown on that certain Subdivision Plat prepared by Matrix New World Engineering, dated January 11, 2019 (the “**Property**”) as more particularly described by the legal description set forth in the application submitted by the Entity (the “**Application**”); and

WHEREAS, the Property is located within the Harbor Station South redevelopment area (the “**Redevelopment Area**”), which has been designated as an area in need of redevelopment 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, pursuant to *N.J.S.A. 40A:12A-7*, on **January 20, 2016**, the City duly adopted **Ordinance 0-16-1**, approving the redevelopment plan entitled "Redevelopment Plan For The Peninsula at Bayonne Harbor - Harbor Station South" as amended by such ordinance (and as same may be further amended from time to time, the “**Redevelopment Plan**”) for the Redevelopment Area; and

WHEREAS, MAHALAXMI BAYONNE URBAN RENEWAL, LLC, an affiliate of Entity, is the designated redeveloper of the Property pursuant to a Development and Purchase and Sale Agreement, dated February 21, 2017 (the “**Redevelopment Agreement**”); and

WHEREAS, MA DURGA CHOSIN URBAN RENEWAL, LLC became the designated redeveloper of the Property pursuant to an assignment from MAHALAXMI BAYONNE URBAN RENEWAL, LLC; and

WHEREAS, the proposed Project includes a multi-phase development consisting of a residential development with associated facilities, including parking and amenities, to be , located on approximately 5.32 acres of vacant land which conforms to the Harbor Station South Redevelopment Plan; 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, 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 MA DURGA CHOSIN URBAN RNEWAL, 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 MA DURGA CHOSIN URBAN RNEWAL, 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 MA DURGA CHOSIN URBAN RNEWAL, 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 MA DURGA CHOSIN URBAN RNEWAL, 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.