

O-17-42
08-16-17

**ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON,
NEW JERSEY APPROVING THE APPLICATION AND FINANCIAL
AGREEMENT FOR TAX EXEMPTION WITH BAYONNE EQUITIES
URBAN RENEWAL, LLC FOR THE PROPERTY KNOWN AS 477-481
BROADWAY (BLOCK 204, LOTS 2 AND 3) IN THE CITY OF BAYONNE**

WHEREAS, BAYONNE EQUITIES URBAN RENEWAL, LLC is the owner of certain property designated as Block 204, Lots 2 and 3 in the City of Bayonne, which is commonly known by the street location of 477-481 Broadway in the City (the “**Property**”); and

WHEREAS, at the discretion of the City Council, the Planning Board prepares and recommended adoption of a proposed redevelopment plan; and

WHEREAS, the Property is located within an Urban Enterprise Zone; and

WHEREAS, by Ordinance O-17-10, the City Council adopted a Rehabilitation Plan [as defined in the New Jersey Local Redevelopment and Housing Law, *N.J.S.A.* 40A:12A-1, et seq.] (the "Rehabilitation Plan") titled “Scattered Site Redevelopment Plan dated December 7, 2005 with revisions through January 1, 2017, Block 204, Lots 2 and 3, which encompasses the property which is located at 477-481 Broadway and designated as Block 204, Lots 2 and 3; and

WHEREAS, BAYONNE EQUITIES URBAN RENEWAL, LLC proposes to construct a project that will consist of new construction of approximately seventy-two (72) residential units inclusive of 33 one-bedroom units, 14 studio units, 1 three-bedroom unit and 24 two-bedroom units, approximately 103,495 square feet of residential floor area, approximately 7,676 square feet of retail space with on-site and off-site parking as set forth herein, as well as related improvements, in accordance with the Rehabilitation Plan (the “**Project**”); and

WHEREAS, BAYONNE EQUITIES 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 Council finds that the requested tax exemptions will benefit the City and its inhabitants by furthering the development of the property, and that the benefits would substantially outweigh the costs, if any, associated with the tax exemptions; and

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, BAYONNE EQUITIES 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, BAYONNE EQUITIES 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 BAYONNE EQUITIES URBAN RENEWAL, LLC on the terms and conditions stated in the applicable form of Financial Agreement attached to this Ordinance.

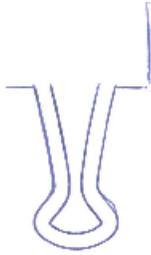
NOW THEREFORE, be it Ordained that the City Council of the City of Bayonne does hereby adopt the tax exemption for BAYONNE EQUITIES URBAN RENEWAL, LLC as follows:

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 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 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.



REDEVELOPMENT AGREEMENT

By and Between

THE CITY OF BAYONNE

As Redevelopment Entity

and

BAYONNE EQUITIES URBAN RENEWAL, LLC

As The Redeveloper

Dated: August 9, 2017

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