

O-19-09
01/16/19

ORDINANCE OF THE CITY OF BAYONNE, COUNTY OF HUDSON APPROVING A FINANCIAL AGREEMENT BY AND BETWEEN THE CITY OF BAYONNE AND MAHALAXMI BAYONNE URBAN RENEWAL, LLC FOR THE PROPERTY LOCATED AT 50 FLAGSHIP STREET, WHICH PROPERTY IS IDENTIFIED AS BLOCK 751, LOT 1.01 AND A PORTION OF 1.04 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, MAHALAXMI BAYONNE URBAN RENEWAL, LLC (the “**Entity**”) is the owner or Contract Purchaser of certain property identified on the Tax Maps of the City as Block 751, Lots 1.01 and 1.04 (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 Property is located within an Urban Enterprise Zone (a “**UEZ**”); 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, 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, MAHALAXMI BAYONNE URBAN RENEWAL, LLC, became the designated redeveloper of the Property pursuant to an assignment from MAHALAXMI BAYONNE, LLC; and

WHEREAS, the proposed project to be undertaken on the Property consists of the construction of up to five (5) separate 11-13 stories residential buildings with approximately 1,080 apartments to be constructed in phases along with the necessary site improvements as set forth in the Application (the "**Project**"); 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, MAHALAXMI 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 Council finds that the requested tax exemptions will benefit the City and its inhabitants by furthering the redevelopment of the property which had remained underutilized and in disrepair for many years, 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, MAHALAXMI 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, MAHALAXMI 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 MAHALAXMI 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 MAHALAXMI 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 MAHALAXMI 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 MAHALAXMI 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.