

City Clerk File No. Ord. 09-011A

Agenda No. 3.A 1st Reading

Agenda No. 4.A 2nd Reading & Final Passage



# ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE  
offered and moved adoption of the following ordinance:

TITLE: **CITY ORDINANCE 09-011A**  
**STATE FISCAL YEAR 2009**  
**ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS**  
**AND TO ESTABLISH A CAP BANK**  
**(N.J.S.A. 40A:4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S.A. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Municipal Council of the City of Jersey City in the County of Hudson finds it advisable and necessary to increase its SFY 2009 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Municipal Council hereby determines that a 1% increase in the budget for said year, amounting to \$3,461,373.07 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS** the Municipal Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Municipal Council of the City of Jersey City, in the County of Hudson, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the SFY 2009 budget year, the final appropriations of the City of Jersey City shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$12,114,805.75 and that the SFY 2009 municipal budget for the City of Jersey City be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

APPROVED AS TO LEGAL FORM

\_\_\_\_\_  
Corporation Counsel

APPROVED: \_\_\_\_\_

APPROVED: \_\_\_\_\_

\_\_\_\_\_  
Business Administrator

Certification Required

Not Required

# Ordinance of the City of Jersey City, N.J.

ORDINANCE NO. Ord. 09-011A

TITLE: 3.A.FEB 09 2009 4.A.FEB 25 2009



ORDINANCE TO EXCEED THE MUNICIPAL BUDGET COST OF LIVING ALLOWANCE AND TO ESTABLISH A Cap Bank

RECORD OF COUNCIL VOTE ON INTRODUCTION											
				FEB 09 2009 8-0							
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	ABSENT		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
				FEB 25 2009 9-0							
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	✓		

✓ Indicates Vote

*YVONNE CALICER*

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
SPINELLO				FULOP				FLOOD			
LIPSKI				RICHARDSON				VEGA, PRES.			

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF FINAL COUNCIL VOTE											
				FEB 25 2009 9-0							
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on FEB 09 2009

Adopted on second and final reading after hearing on FEB 25 2009

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on FEB 25 2009

*Robert Byrne*  
Robert Byrne, City Clerk

APPROVED:

*Mariano Vega, Jr.*  
Mariano Vega, Jr., Council President

Date: FEB 25 2009

APPROVED:

*Jerrard Hooley*  
Jerrard Hooley, Mayor

Date: FEB 27 2009

Date to Mayor FEB 26 2009

\*Amendment(s):

City Clerk File No. Ord. 09-014

Agenda No. 3.C 1st Reading

Agenda No. 4.C. 2nd Reading & Final Passage



## ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE  
offered and moved adoption of the following ordinance:

CITY ORDINANCE 09-014

TITLE:

### AN ORDINANCE AUTHORIZING THE TRANSFER OF CITY-OWNED PROPERTY WITHIN THE MORRIS CANAL REDEVELOPMENT AREA TO THE JERSEY CITY REDEVELOPMENT AGENCY

**WHEREAS**, the City of Jersey City is the owner of a certain parcel of real property known and designated as:

<u>BLOCK</u>	<u>LOT</u>	<u>STREET ADDRESS</u>
2058	S	Bishop Street

situated in the City of Jersey City, Hudson County, New Jersey; and as more particularly shown on the Official Assessment Map and referenced in the designation assigned to individual tax lot n the records of the Tax Assessor (hereinafter "Property"); and

**WHEREAS**, the Municipal Council of the City of Jersey City has declared, that the Property contained within the Morris Canal Study Area is an area deemed "in need of redevelopment" pursuant to N.J.S.A. 40A:55-12 et. seq.; and

**WHEREAS**, the Municipal Council adopted, by Ordinance No.99-035 at its meeting of March 22, 1999, the Morris Canal Redevelopment Plan; and

**WHEREAS**, the Property lies within the legally established boundaries of the Morris Canal Redevelopment Plan Area; and

**WHEREAS**, the Jersey City Redevelopment Agency has the responsibility of acquiring property within the Morris Canal Redevelopment Area to effectuate the rehabilitation, redevelopment and revitalization of the Morris Canal Redevelopment Area; and

**WHEREAS**, the Jersey City Redevelopment Agency has deemed it necessary to acquire the Property from the City of Jersey City to accomplish the objectives of the Morris Canal Redevelopment Plan; and

**WHEREAS**, the City of Jersey City may transfer the Property to the Jersey City Redevelopment Agency pursuant to N.J.S.A. 40A:12A-39(a) & (f).

**NOW, THEREFORE, BE IT ORDAINED** by the Municipal Council of the City of Jersey City that:

1. Pursuant to N.J.S.A. 40A:12A-39(a) & (f) the transfer of Property known as

<u>BLOCK</u>	<u>LOT</u>	<u>STREET ADDRESS</u>
2058	S	Bishop Street

to the Jersey City Redevelopment Agency is hereby authorized.

2. That the Mayor, Business Administrator and appropriate Division of the municipality are hereby authorized and directed to execute a deed and all necessary or appropriate instruments to convey and effectuate the transfer of the aforesaid Property to the Jersey City Redevelopment Agency.

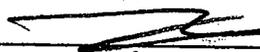
A. All Ordinances and part of Ordinances inconsistent herewith are hereby repealed.

B. This Ordinance shall be part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this Ordinance codified and incorporated in the official copies of the Jersey City Code.

C. This Ordinance shall take effect at the time and in the manner as provided by law.

D. The City Clerk and the Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of the Ordinance reveals that there is a conflict between those numbers and the existing code in order to avoid confusion and possible accidental repealers of existing provisions.

APPROVED AS TO LEGAL FORM

  
\_\_\_\_\_  
Corporation Counsel

APPROVED: \_\_\_\_\_

APPROVED:   
\_\_\_\_\_  
Business Administrator

Certification Required

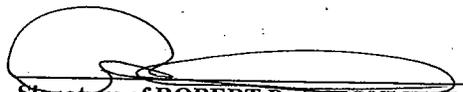
Not Required

**ORDINANCE/RESOLUTION FACT SHEET**

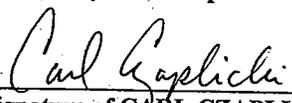
This summary sheet is to be attached to the front of any ordinance, resolution, cooperation agreement or contract that is submitted for Council consideration. Incomplete or sketchy summary sheets will be returned with the resolution or ordinance. The department, division or agency responsible for the overall implementation of the proposed project or program should provide a concise and accurate statement of facts.

1. **Full Title of Ordinance/Resolution/Cooperation Agreement:**  
AN ORDINANCE AUTHORIZING THE TRANSFER OF CITY-OWNED PROPERTY WITHIN THE MORRIS CANAL REDEVELOPMENT AREA TO THE JERSEY CITY REDEVELOPMENT AGENCY
2. **Name and Title of Person Initiating the Ordinance/Resolution, etc.:**  
Franklyn Ore, Project Manager, Jersey City Redevelopment Agency, 201-547-4560
3. **Concise Description of the Program, Project or Plan Proposed in the Ordinance/Resolution:**  
This Ordinance will authorize the City of Jersey City, to transfer City owned property within the Morris Canal Redevelopment Area for development purposes.
4. **Reasons (Need) for the Proposed Program, Project, etc:**  
The Jersey City Redevelopment Agency has been charged with the responsibility of acquiring property in the Morris Canal Redevelopment Area to effectuate the rehabilitation, redevelopment and revitalization initiatives of the Morris Canal Redevelopment Plan.
5. **Anticipated Benefits to the Community:**  
Vacant land
6. **Cost of Proposed Program, Project, etc. (Indicate the dollar amount of City, State and Federal Funds to be used, as well as match and in-kind contributions.):**  
N/A
7. **Date Proposed Program or Project will Commence:**  
Upon adoption of this Ordinance
8. **Anticipated Completion Date:**  
The completion date is November 2010
9. **Person Responsible for Coordinating Proposed Program, Project, etc.:**  
Robert P. Antonicello, Executive Director, JCRA
10. **Additional Comments:**

I certify that all the Facts Presented Herein are Accurate.

  
 Signature of ROBERT P. ANTONICELLO  
 Executive Director  
 Jersey City Redevelopment Agency

2/4/09  
 \_\_\_\_\_  
 Date

  
 Signature of CARL CZAPLICKI  
 Director, Department of Housing, Economic  
 Development and Commerce

2/4/09  
 \_\_\_\_\_  
 Date

# Ordinance of the City of Jersey City, N.J.

Ord. 09-014

ORDINANCE NO. \_\_\_\_\_

3.C. FEB 1 1 2009      4.C. FEB 2 5 2009

TITLE: \_\_\_\_\_

An ordinance authorizing the transfer of city owned property within the Morris Canal Redevelopment Area to the Jersey City Redevelopment Agency. (Bishop Street)



RECORD OF COUNCIL VOTE ON INTRODUCTION								FEB 1 1 2009 8-0			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	ABSENT			RICHARDSON	✓			VEGA, PRES.	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING								FEB 2 5 2009 8-0			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	ABSENT			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
SPINELLO				FULOP				FLOOD			
LIPSKI				RICHARDSON				VEGA, PRES.			

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF FINAL COUNCIL VOTE											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	ABSENT			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	✓		

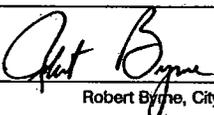
✓ Indicates Vote

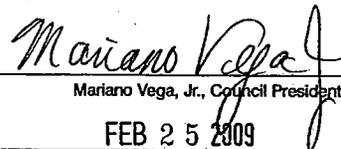
N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on FEB 1 1 2009

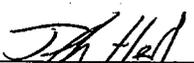
Adopted on second and final reading after hearing on FEB 2 5 2009

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on FEB 2 5 2009

  
 Robert Byrne, City Clerk

APPROVED: \_\_\_\_\_  
  
 Mariano Vega, Jr., Council President  
 Date: FEB 2 5 2009

\*Amendment(s): \_\_\_\_\_

APPROVED: \_\_\_\_\_  
  
 Jerramiah T. Healy, Mayor  
 Date: FEB 2 7 2009  
 Date to Mayor FEB 2 6 2009

City Clerk File No. Ord. 09-015

Agenda No. 3.D 1st Reading

Agenda No. 4.D. 2nd Reading & Final Passage



## ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE  
offered and moved adoption of the following ordinance:

CITY ORDINANCE 09-015

TITLE:

### AN ORDINANCE AUTHORIZING THE TRANSFER OF CITY-OWNED PROPERTY WITHIN THE MONTICELLO AVENUE REDEVELOPMENT AREA TO THE JERSEY CITY REDEVELOPMENT AGENCY

**WHEREAS**, the City of Jersey City is the owner of a certain parcel of real property known and designated as:

<u>BLOCK</u>	<u>LOT</u>	<u>STREET ADDRESS</u>
1920	90 & E	167-169 Monticello Avenue

situated in the City of Jersey City, Hudson County, New Jersey; and as more particularly shown on the Official Assessment Map and referenced in the designation assigned to individual tax lot n the records of the Tax Assessor (hereinafter "Property"); and

**WHEREAS**, the Municipal Council of the City of Jersey City has declared, that the Property contained within the Monticello Avenue Redevelopment Avenue Area is an area deemed "in need of redevelopment" pursuant to N.J.S.A. 40A:55-12 et. seq.; and

**WHEREAS**, the Municipal Council adopted, by Ordinance No.08-099 at its meeting of November 1987, the Monticello Avenue Redevelopment Plan; and

**WHEREAS**, the Property lies within the legally established boundaries of the Monticello Avenue Redevelopment Area; and

**WHEREAS**, the Jersey City Redevelopment Agency has the responsibility of acquiring property within the Monticello Redevelopment Area to effectuate the rehabilitation, redevelopment and revitalization of the Monticello Avenue Redevelopment Area; and

**WHEREAS**, the Jersey City Redevelopment Agency has deemed it necessary to acquire the Property from the City of Jersey City to accomplish the objectives of the Monticello Avenue Redevelopment Plan; and

**WHEREAS**, the City of Jersey City may transfer the Property to the Jersey City Redevelopment Agency pursuant to N.J.S.A. 40A:12A-39(a) & (f).

**NOW, THEREFORE, BE IT ORDAINED** by the Municipal Council of the City of Jersey City that:

1. Pursuant to N.J.S.A. 40A:12A-39(a) & (f) the transfer of Property known as

<u>BLOCK</u>	<u>LOT</u>	<u>STREET ADDRESS</u>
1920	90 & E	167-169 Monticello Avenue

to the Jersey City Redevelopment Agency is hereby authorized.

2. That the Mayor, Business Administrator and appropriate Division of the municipality are hereby authorized and directed to execute a deed and all necessary or appropriate instruments to convey and effectuate the transfer of the aforesaid Property to the Jersey City Redevelopment Agency.

A. All Ordinances and part of Ordinances inconsistent herewith are hereby repealed.

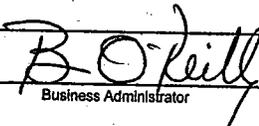
B. This Ordinance shall be part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this Ordinance codified and incorporated in the official copies of the Jersey City Code.

C. This Ordinance shall take effect at the time and in the manner as provided by law.

D. The City Clerk and the Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of the Ordinance reveals that there is a conflict between those numbers and the existing code in order to avoid confusion and possible accidental repealers of existing provisions.

APPROVED AS TO LEGAL FORM

  
\_\_\_\_\_  
Corporation Counsel

APPROVED: \_\_\_\_\_  
APPROVED:   
Business Administrator

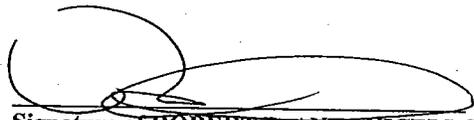
Certification Required   
Not Required

**ORDINANCE/RESOLUTION FACT SHEET**

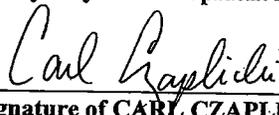
This summary sheet is to be attached to the front of any ordinance, resolution, cooperation agreement or contract that is submitted for Council consideration. Incomplete or sketchy summary sheets will be returned with the resolution or ordinance. The department, division or agency responsible for the overall implementation of the proposed project or program should provide a concise and accurate statement of facts.

1. **Full Title of Ordinance/Resolution/Cooperation Agreement:**  
AN ORDINANCE AUTHORIZING THE TRANSFER OF CITY-OWNED PROPERTY WITHIN THE MONTICELLO AVENUE REDEVELOPMENT AREA TO THE JERSEY CITY REDEVELOPMENT AGENCY
2. **Name and Title of Person Initiating the Ordinance/Resolution, etc.:**  
Franklyn Ore, Project Manager, Jersey City Redevelopment Agency, 201-547-4560
3. **Concise Description of the Program, Project or Plan Proposed in the Ordinance/Resolution:**  
This Ordinance will authorize the City of Jersey City, to transfer City owned property within the Monticello Avenue Redevelopment Area for development purposes.
4. **Reasons (Need) for the Proposed Program, Project, etc:**  
The Jersey City Redevelopment Agency has been charged with the responsibility of acquiring property in the Monticello Avenue Redevelopment Area to effectuate the rehabilitation, redevelopment and revitalization initiatives of the Monticello Avenue Redevelopment Plan.
5. **Anticipated Benefits to the Community:**  
Removal of a dilapidated building located in Block 1920, Lots 90 & E.
6. **Cost of Proposed Program, Project, etc. (Indicate the dollar amount of City, State and Federal Funds to be used, as well as match and in-kind contributions.):**  
N/A
7. **Date Proposed Program or Project will Commence:**  
Upon adoption of this Ordinance
8. **Anticipated Completion Date:**  
Building will be completed in July 2010.
9. **Person Responsible for Coordinating Proposed Program, Project, etc.:**  
Robert P. Antonicello, Executive Director, JCRA
10. **Additional Comments:**

I certify that all the Facts Presented Herein are Accurate.

  
 Signature of ROBERT P. ANTONICELLO  
 Executive Director  
 Jersey City Redevelopment Agency

2/4/09  
 \_\_\_\_\_  
 Date

  
 Signature of CARL CZAPLICKI  
 Director, Department of Housing, Economic  
 Development and Commerce

2/4/09  
 \_\_\_\_\_  
 Date

# Ordinance of the City of Jersey City, N.J.

Ord. 09-015

ORDINANCE NO. \_\_\_\_\_

TITLE: 3.D. FEB 1 1 2009 4.D. FEB 2 5 2009



An ordinance authorizing the transfer of city owned property within the Monticello Avenue Redevelopment Area to the Jersey City Redevelopment Agency (167-169 Monticello Avenue)

RECORD OF COUNCIL VOTE ON INTRODUCTION											
				FEB 1 1 2009 8-0							
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	ABSENT			RICHARDSON	✓			VEGA, PRES.	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
				FEB 2 5 2009 8-0							
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SPINELLO / RICHARDSON				GAUGHAN	ABSENT			BRENNAN	✓		
SOTTOLANO	✓			FULOP	✓			FLOOD	✓		
SPINELLO	✓			RICHARDSON	✓			VEGA, PRES.	✓		
LIPSKI	✓										

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
SPINELLO				FULOP				FLOOD			
LIPSKI				RICHARDSON				VEGA, PRES.			

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF FINAL COUNCIL VOTE											
				FEB 2 5 2009 8-0							
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	ABSENT			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	✓		

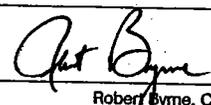
✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on FEB 1 1 2009

Adopted on second and final reading after hearing on FEB 2 5 2009

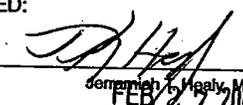
This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on FEB 2 5 2009

  
 Robert Byrne, City Clerk

APPROVED:

  
 Mariano Vega, Jr., Council President  
 Date: FEB 2 5 2009

APPROVED:

  
 Joseph P. Luteri, Mayor  
 Date: FEB 2 7 2009  
 Date to Mayor: FEB 2 6 2009

\*Amendment(s):

City Clerk File No. Ord. 09-016

Agenda No. 3.E 1st Reading

Agenda No. 4.E. 2nd Reading & Final Passage



## ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE  
offered and moved adoption of the following ordinance:

CITY ORDINANCE 09-016

**TITLE: AN ORDINANCE AUTHORIZING A ONE (1) YEAR EXTENSION OF THE LEASE WITH ESSEX PLAZA MANAGEMENT, L.L.C., FOR A PORTION OF 361 MONTGOMERY STREET FOR USE BY THE CITY AS A SENIOR CITIZEN CENTER**

**THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:**

**WHEREAS**, the City of Jersey City [City] has a need for space to provide senior citizen services; and

**WHEREAS**, pursuant to the Local Lands and Buildings Law, N.J.S.A. 40A:12-5(a), the City of Jersey City is authorized to lease property for a public purpose; and

**WHEREAS**, the provision of senior citizen services is such a public purpose; and

**WHEREAS**, Essex Plaza Management, LLC, is the owner of 361 Montgomery Street, Jersey City, a portion of which is suitable for such use and has agreed to lease the property for \$1.00 a year; and

**WHEREAS**, pursuant to Ordinance 07-091 adopted on May 23, 2007, the City entered into a lease agreement with Essex Plaza Management, LLC, for certain space within the Property, more particularly described in Exhibit A attached hereto, to enable the City to provide senior citizen services at the Property; and

**WHEREAS**, the City agreed to a term of one (1) year, commencing on or about December 1, 2007, and ending one year thereafter, unless renewed; and

**WHEREAS**, the City now desires to renew and or extend the lease for a period of one (1) year, and subject to annual renewals by mutual consent of the parties; and

**WHEREAS**, the rent shall be at the rate of \$1.00 a year and shall be subject to certain other terms and conditions.

**NOW, THEREFORE, BE IT ORDAINED** by the Municipal Council of the City of Jersey City that:

1. The following Lease Agreement between the City of Jersey City and Essex Plaza Management, LLC, are hereby approved.

A. **Property:** A portion of 361 Montgomery Street, Jersey City, more specifically described in Exhibit A, attached hereto.

B. **Use:** The City will use the Property to provide senior citizen services and will not allow the Property to be used for any political activities.

**AN ORDINANCE AUTHORIZING A ONE (1) YEAR EXTENSION OF THE LEASE WITH ESSEX PLAZA MANAGEMENT, L.L.C., FOR A PORTION OF 361 MONTGOMERY STREET FOR USE BY THE CITY AS A SENIOR CITIZEN CENTER**

C. **Term:** The Lease shall be renewed or extended for one (1) year commencing on or about December 1, 2007 and terminating one year thereafter, unless renewed with the mutual consent of the parties.

D. **Rent:** Essex Plaza Management, LLC, shall be entitled paid a rent of \$1.00 per year, plus the cost of utilities. With the consent of the landlord, the City shall also install a sink on the premises at its sole cost and expense.

2. The Mayor or Business Administrator shall execute a Lease Agreement with Essex Plaza Management, LLC, to secure its right to exercise an option at the expiration of the Lease.

3. The form of the Lease Agreement shall be in substantially the form attached hereto as Exhibit A, subject to such modification as the Corporation Counsel deems appropriate or necessary.

4. The award of this contract is subject to the availability and appropriation of sufficient funds in the 2010 fiscal year budget.

A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

B. This ordinance shall be a part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.

C. This ordinance shall take effect at the time and in the manner as provided by law.

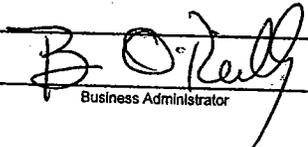
D. The City Clerk and the Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

**NOTE:** All material is new; therefore, underlining has been omitted. For purposes of advertising only, new matter is indicated by **bold face** and repealed matter by *italic*.

JM/he  
2/03/09

APPROVED AS TO LEGAL FORM

  
\_\_\_\_\_  
Corporation Counsel

APPROVED:   
\_\_\_\_\_  
Business Administrator

Certification Required   
Not Required

# Ordinance of the City of Jersey City, N.J.

Ord. 09-016

ORDINANCE NO. \_\_\_\_\_

TITLE: 3.E. FEB 1 1 2009 4.E. FEB 2 5 2009



An ordinance authorizing a one (1) year extension of the lease with Essex Plaza Management, L.L.C., for a portion of 362 Montgomery Street for use by the city as a Senior Citizen Center.

RECORD OF COUNCIL VOTE ON INTRODUCTION								FEB 1 1 2009 <b>8-0</b>			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	<b>ABSENT</b>			RICHARDSON	✓			VEGA, PRES.	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING								FEB 2 5 2009 <b>8-0</b>			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
<b>BRENNAN/RICHARDSON</b>											
SOTTOLANO	✓			GAUGHAN	<b>ABSENT</b>			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
SPINELLO				FULOP				FLOOD			
LIPSKI				RICHARDSON				VEGA, PRES.			

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF FINAL COUNCIL VOTE								FEB 2 5 2009 <b>8-0</b>			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	<b>ABSENT</b>			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	✓		

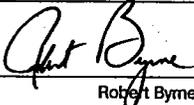
✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on FEB 1 1 2009

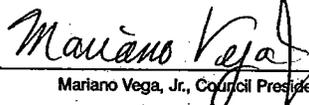
Adopted on second and final reading after hearing on FEB 2 5 2009

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on FEB 2 5 2009

  
 Robert Byrne, City Clerk

\*Amendment(s): \_\_\_\_\_

APPROVED:

  
 Mariano Vega, Jr., Council President

Date: FEB 2 5 2009

APPROVED:

  
 Jeremiah Healy, Mayor

Date FEB 2 7 2009

Date to Mayor FEB 2 6 2009

City Clerk File No. Ord. 09-017

Agenda No. 3.F. 1st Reading

Agenda No. 4.F. 2nd Reading & Final Passage



# ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE  
offered and moved adoption of the following ordinance:

CITY ORDINANCE 09-017

**TITLE:** AN ORDINANCE SUPPLEMENTING CHAPTER 332(VEHICLES AND TRAFFIC) ARTICLE XI(SCHEDULES) OF THE JERSEY CITY CODE AMENDING SCHEDULE XVI(PARKING PROHIBITED DURING CERTAIN HOURS, DAILY, EXCEPT SATURDAYS, SUNDAYS AND HOLIDAYS) DESIGNATING 25 FEET ON THE EAST SIDE OF NELSON AVENUE, NORTH OF J.F. KENNEDY BOULEVARD, AS NO PARKING SCHOOL DAYS, 7:30 A.M. TO 4:00 P.M.

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:

1. Chapter 332 (Vehicles and Traffic) Article XI (Schedules) of the Jersey City Code is hereby supplemented as follows:

Section 332-10

### SCHEDULE XVI

#### PARKING PROHIBITED CERTAIN HOURS

No person shall park a vehicle between the hours specified any day (except Saturdays, Sundays and Holidays) upon any of the streets or parts of streets described

Name of Street	Sides	Hours	Location
<u>Nelson Avenue</u>	<u>East</u>	<u>7:30 a.m. to 4:00 p.m.</u> <u>School Days</u>	<u>Beginning at a point approximately 348 feet north of the northeast corner of J.F. Kennedy Boulevard and extending to a point 25 feet northerly therefrom.</u>

2. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
3. This ordinance shall be a part of the Jersey City Code as though codified and incorporated in the official copies of the Jersey City Code.
4. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

NOTE: All material to be inserted is new and underscored.

JDS:pcl  
(01.16.09)

APPROVED: \_\_\_\_\_  
Director of Traffic & Transportation

APPROVED AS TO LEGAL FORM

\_\_\_\_\_  
Corporation Counsel

APPROVED: \_\_\_\_\_  
City Engineer

APPROVED: \_\_\_\_\_  
Business Administrator

Certification Required

Not Required

This summary sheet is to be attached to the front of any ordinance, resolution, cooperation agreement or contract that is submitted for Council consideration. Incomplete or sketchy summary sheets will be returned with the resolution or ordinance. The Department, Division or Agency responsible for the overall implementation of the proposed project or program should provide a concise and accurate statement of facts.

**1. Full title of ordinance/resolution/cooperation agreement:**

An ordinance supplementing Chapter 332 (Vehicles and Traffic) Article VI (Schedules) of the Jersey City Code amending Schedule XVI (Parking Prohibited During Certain Hours, Daily, Except Saturdays, Sundays and Holidays) designating 25 feet on the east side of Nelson Avenue, north of J.F. Kennedy Boulevard, as no parking School Days, 7:30 a.m. to 4:00 p.m.

**2. Name and title of person initiating the ordinance/resolution, etc.:**

Joao D'Souza, Director of Traffic & Transportation, Division of Engineering, Traffic and Transportation

**3. Concise description of program, project or plan proposed in the ordinance/resolution:**

Prohibit parking on the east side of Nelson Avenue beginning 348 feet north of the northeast corner of J.F. Kennedy Boulevard and extending 25 feet northerly, school days, 7:30 a.m. to 4:00 p.m.

**4. Reasons (need) for the proposed program, project, etc.:**

The parking prohibition is necessary to facilitate parents and school buses dropping off and picking up students in attendance at St. Ann's Grammar School.

**5. Anticipated benefits to the community:**

Improve traffic safety, reduce the risk of accidents and safeguard the students of St. Ann's School.

**6. Cost of proposed program, project, etc. (Indicate the dollar amount of City, state, and Federal Funds to be used, as well as match and in-kind contribution:**

At approximately \$200.00 per sign/post installation, \$400.00, (2 channels & 2 signs required)

**7. Date proposed program, or project will commence:**

Pending adoption by the Jersey City Municipal Council

**8. Anticipated completion date:**

Twenty days after adoption by the Jersey City Municipal Council

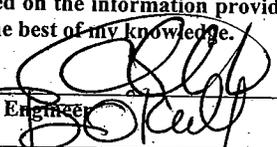
**9. Person responsible for coordinating proposed program, project, etc.:**

Patricia Logan, Supervising Traffic Investigator, Division of Engineering, Traffic and Transportation

**10. Additional comments:**

Ordinance proposed at the request of Mrs. Gina Iacona, Principal of Saint Anne's School, 255 Congress Street, JCNJ 07307, 201.659.0450

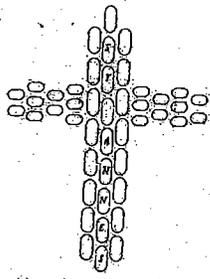
Based on the information provided to me, I certify that all the facts presented herein are accurate, to the best of my knowledge.

  
City Engineer

1/22/09  
Date

Signature of Department Director

Date



"Your Pathway to Learning"

*Saint Anne's School*  
255 Congress Street  
Jersey City, New Jersey 07307  
201-659-0450  
[www.stannesjc.com](http://www.stannesjc.com)

September 12, 2008

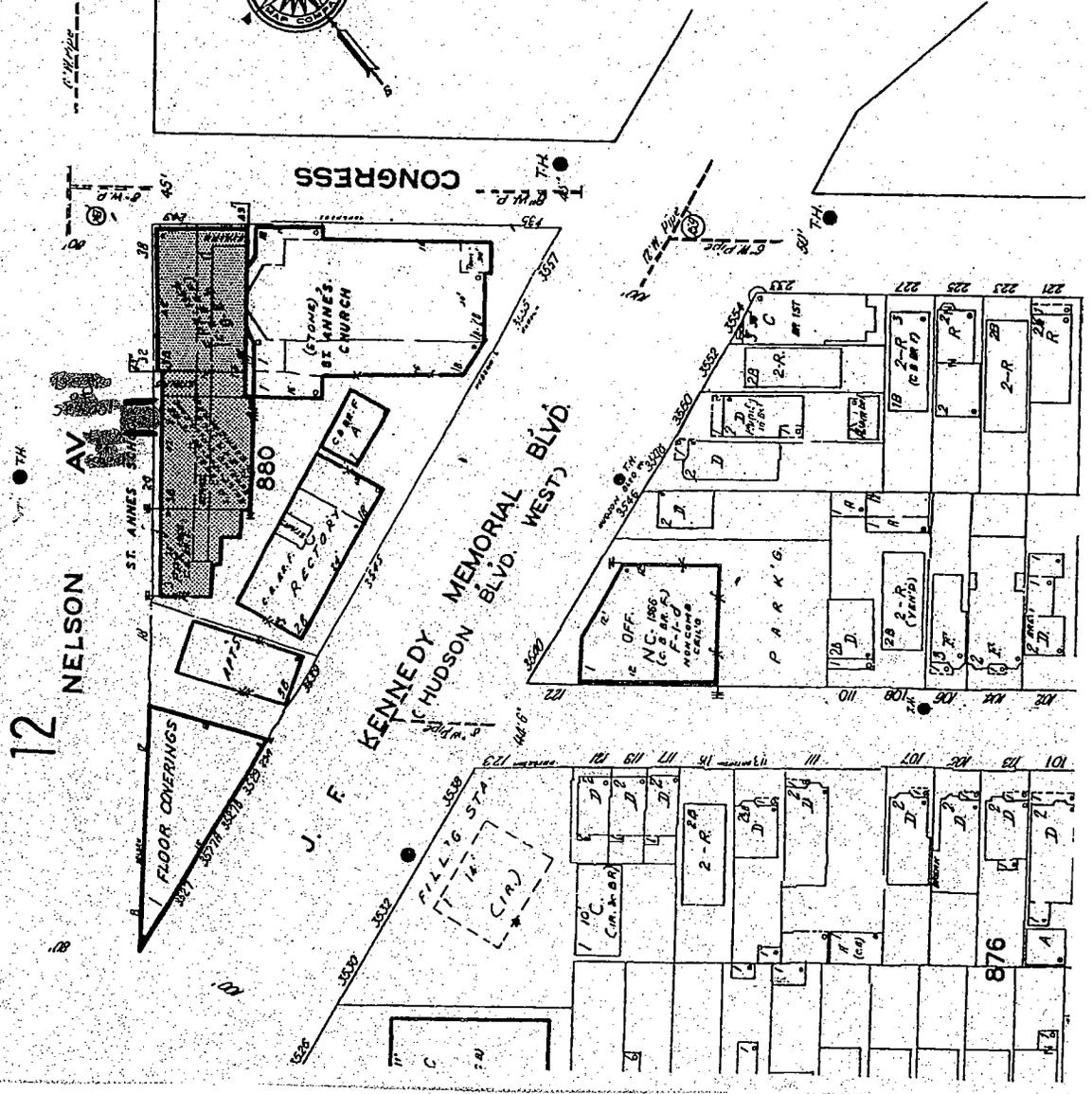
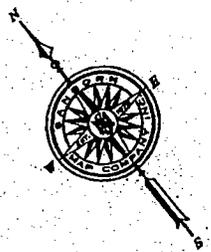
To: Department of Traffic and Transportation  
Attn: Daniella

I would like to bring a safety issue to your attention. I am requesting that the north side of Nelson Ave. (school side) between Kennedy Blvd. and Congress St. be designated a No Parking During School Hours area. This block is where the parents and buses drop off and pick up the students. Currently, parking is allowed and cars double and triple park. This makes for a very hazardous situation.

I am requesting for the maximum allowable footage of 50 ft. This will allow us to dismiss the students quickly and safely.

Sincerely,  
*Mrs. Gina Iacona*  
Mrs. Gina Iacona  
Principal

SEP 22 AM 9:42



12 NELSON AV

CONGRESS

KENNEDY MEMORIAL BLVD.  
(K HUDSON BLVD. WEST)

ST. JAMES CHURCH  
(ST. JAMES)

880  
RECORDS

FLOOR COVERINGS

OFF. 1966  
N.C. (FLOOR)  
NON-SMOKING  
CEILING

PARK G.

FILLING STA.  
(C.I.R.)

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# Ordinance of the City of Jersey City, N.J.

Ord. 09-017

ORDINANCE NO. \_\_\_\_\_

TITLE: 3.F. FEB 1 1 2009 4.F. FEB 2 5 2009



An ordinance supplementing Chapter 332 (Vehicles and Traffic) Article XI (Schedules) of the Jersey City Code amending Schedule XVI (Parking Prohibited During Certain Hours, Daily, except Saturdays, Sundays and Holidays) designating 25 feet on the east side of Nelson Avenue, north of J.F. Kennedy Boulevard, as No Parking School Days, 7:30 a.m. to 4:00 p.m.

RECORD OF COUNCIL VOTE ON INTRODUCTION											
FEB 1 1 2009 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	<i>ABSENT</i>			RICHARDSON	✓			VEGA, PRES.	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
FEB 2 5 2009 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
<i>SOTTOLANO/BRENNAN</i>											
SOTTOLANO	✓			GAUGHAN	<i>ABSENT</i>			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	✓		

✓ Indicates Vote

*JOHN SEBOROWSKI*

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
SPINELLO				FULOP				FLOOD			
LIPSKI				RICHARDSON				VEGA, PRES.			

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF FINAL COUNCIL VOTE											
FEB 2 5 2009 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	<i>ABSENT</i>			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on FEB 1 1 2009

Adopted on second and final reading after hearing on FEB 2 5 2009

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on FEB 2 5 2009

*Robert Byrne*  
Robert Byrne, City Clerk

APPROVED: *Mariano Vega*  
Mariano Vega, Jr., Council President  
Date: FEB 2 5 2009

APPROVED: *Jeremiah J. Healy*  
Jeremiah J. Healy, Mayor  
Date: FEB 2 7 2009

\*Amendment(s): \_\_\_\_\_

Date to Mayor FEB 2 6 2009



## ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE  
offered and moved adoption of the following ordinance:

CITY ORDINANCE 09-018

**TITLE:**

**ORDINANCE APPROVING A 30 YEAR TAX EXEMPTION FOR A MODERATE INCOME AND MARKET RATE HOUSING PROJECT TO BE CONSTRUCTED BY THE WHITON STREET ASSOCIATES, LLC, A QUALIFIED HOUSING SPONSOR UNDER THE NEW JERSEY MORTGAGE HOUSING FINANCE AGENCY LAW N.J.S.A. 55:14K-1 ET SEQ.**

**THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:**

**WHEREAS**, Whiton Street Associates, LLC, is the owner of certain property known as: Block 1910, Lots A, A1, A2, A3, C, D1, D2, 1, 2, 3A, 3B, 4A, 4B, 5A, 12 and 13, on City's Tax map and more commonly known by the street addresses of 220, 222, 224, 226, 230, 234, 236 & 238 Monticello Avenue; 221, 223, 225 and 227 Fairmount Avenue and 4, 8, 10 & 12 Fairview Avenue; and

**WHEREAS**, the property will be subject to a master deed created by Whiton Street Associates, LLC, consisting of two (2) master condominium units, one residential (Unit A) and one commercial (Unit B); and

**WHEREAS**, Whiton Street Associates, LLC [Entity], a qualified housing sponsor under the New Jersey Mortgage Housing Finance Agency Law N.J.S.A. 55:14K-1 et seq., will become the owner of Unit A, the Residential Master Condominium Unit to be known as Block 1910, Lot 14, Qualifier A [Property]; and

**WHEREAS**, Whiton Street Associates, LLC, proposes to construct a moderate income and market rate housing project to be regulated and financed pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law, N.J.S.A. 55:14K-1 et seq., to be known as Unit A [Property]; and

**WHEREAS**, Whiton Street Associates, LLC, applied for a 30 year tax exemption to construct certain improvements on the Unit A consisting of a total of 120 units of residential rental housing: 96 units of rental market rate housing, and 24 units of moderate income rental housing and a 120 car parking garage [Project] on top of the commercial space, (Unit B), that is a separate condominium unit and the subject of a separate, independent tax exemption; and

**WHEREAS**, Whiton Street Associates, LLC, has agreed to pay a service charge estimated to be \$83,783 or approximately \$698 per unit, equal to 4% of Annual Gross Revenue for the first 15 years of the term and \$136,147 or approximately \$1,135 per unit, equal to 6.5% of Annual Gross Revenue for the final 15 years and to provide employment and other economic opportunities for City residents and businesses in accordance with a Project Employment Agreement; and

**WHEREAS**, the City hereby determines that the relative benefits of the project outweigh the cost of the tax exemption for the following reasons:

**ORDINANCE APPROVING A 30 YEAR TAX EXEMPTION FOR A MODERATE INCOME AND MARKET RATE HOUSING PROJECT TO BE CONSTRUCTED BY THE WHITON STREET ASSOCIATES, LLC, A QUALIFIED HOUSING SPONSOR UNDER THE NEW JERSEY MORTGAGE HOUSING FINANCE AGENCY LAW N.J.S.A. 55:14K-1 ET SEQ.**

1. The City will apply to receive credit for creating 24 units of moderate income family rental housing against the affordable housing needed within the City of Jersey City as determined by the New Jersey Council on Affordable Housing;
2. There is an especially compelling need for decent safe and affordable housing for moderate income families, who are currently paying over 30% of their income for housing; and
3. The construction of the improvements will stabilize the neighborhood; and

**WHEREAS**, the City hereby determines that the tax exemption is necessary to insure the success of the project for the following reasons:

1. The reduced tax payments allow the owner to stable its operating budget, allowing a high level of maintenance to the building over the life of the project;
2. The reduction in taxes makes the Project attractive to investors and makes the project eligible for financing from the New Jersey Housing and Mortgage Finance Agency, which is needed to fund the Project; and
3. The reduced tax payments will allow the owner to maintain the moderate income units at the lowest rents possible within the income guidelines; and

**NOW, THEREFORE, BE IT ORDAINED** by the Municipal Council of the City of Jersey City that:

1. The application of Whiton Street Associates, LLC, a qualified housing sponsor under the New Jersey Mortgage Housing Finance Agency Law N.J.S.A. 55:14K-1 et seq.; for a tax exemption is hereby approved subject to the following terms and conditions:

- (a) Term: no more than 30 years, co-terminous with the NJHMFA mortgage;
- (b) Service Charge: 4% of Annual Gross Revenue, estimated to be \$83,783 or approximately \$698 per unit for the first 15 years of the term and \$136,147 or approximately \$1,135 per unit, equal to 6.5% of Annual Gross Revenue for the final 15 years;
- (c) Project: 120 units of residential rental housing: 96 units of rental market rate housing, and 24 units of moderate income rental housing and a 120 car parking garage; and
- (d) Property: a portion of Block 1910, Lots A, A1, A2, A3, C, D1, D2, 1, 2, 3A, 3B, 4A, 4B, 5A, 12 and 13, on City's Tax map and more commonly known by the street addresses of 220, 222, 224, 226, 230, 234, 236 & 238 Monticello Avenue; 221, 223, 225 and 227 Fairmount Avenue; and 4, 8, 10 & 12 Fairview Avenue, the Residential Condominium Unit to be known as Block 1910, Lot 14, Qualifier A.

2. The Mayor or Business Administrator is authorized to execute a tax exemption Financial Agreement, which includes a Project Employment Agreement in substantially the form on file in the Office of the City Clerk, subject to such modification as the Business Administrator and Corporation Counsel deems appropriate or necessary.

**ORDINANCE APPROVING A 30 YEAR TAX EXEMPTION FOR A MODERATE INCOME AND MARKET RATE HOUSING PROJECT TO BE CONSTRUCTED BY THE WHITON STREET ASSOCIATES, LLC, A QUALIFIED HOUSING SPONSOR UNDER THE NEW JERSEY MORTGAGE HOUSING FINANCE AGENCY LAW N.J.S.A. 55:14K-1 ET SEQ.**

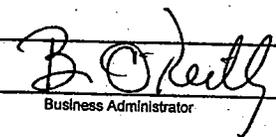
- 3. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- 4. This ordinance shall be part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- 5. This ordinance shall take effect at the time and in the manner provided by law.
- 6. The City Clerk and Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

**NOTE:** All material is new; therefore underlining has been omitted. For purposes of advertising only, new matter is indicated by **bold face** and repealed matter by *italic*.

JM/he  
2/05/09

APPROVED AS TO LEGAL FORM

  
\_\_\_\_\_  
Corporation Counsel

APPROVED: \_\_\_\_\_  
APPROVED:   
Business Administrator

Certification Required   
Not Required

# Ordinance of the City of Jersey City, N.J.

Ord. 09-018

ORDINANCE NO. \_\_\_\_\_

TITLE: 3.G. FEB 1 1 2009 4.G. FEB 2 5 2009



Ordinance approving a 30 year tax exemption for a moderate income and market rate housing project to be constructed by the Whiton Street Associates, LLC, a qualified housing sponsor under the New Jersey Mortgage Housing Finance Agency Law N.J.S.A. 55:14k-1 et seq.

RECORD OF COUNCIL VOTE ON INTRODUCTION											
FEB 1 1 2009 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	ABSENT			RICHARDSON	✓			VEGA, PRES.	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
FEB 2 5 2009 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	ABSENT			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

*YVONNE BALCER  
CAROL HARRISON-ARNOLD  
CHARLENE BURKE*

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
SPINELLO				FULOP				FLOOD			
LIPSKI				RICHARDSON				VEGA, PRES.			

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF FINAL COUNCIL VOTE											
FEB 2 5 2009 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	ABSENT			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on FEB 1 1 2009

Adopted on second and final reading after hearing on FEB 2 5 2009

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on FEB 2 5 2009

*Robert Byrne*  
\_\_\_\_\_  
Robert Byrne, City Clerk

APPROVED:  
*Mariano Vega Jr.*  
\_\_\_\_\_  
Mariano Vega, Jr., Council President  
Date: FEB 2 5 2009

APPROVED:  
*Jamimah T. Healy*  
\_\_\_\_\_  
Jamimah T. Healy, Mayor  
Date FEB 2 7 2009  
Date to Mayor FEB 2 6 2009

\*Amendment(s):

City Clerk File No. Ord. 09-019

Agenda No. 3.H 1st Reading

Agenda No. 4.H 2nd Reading & Final Passage



## ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE  
offered and moved adoption of the following ordinance:

CITY ORDINANCE 09-019

**TITLE: ORDINANCE APPROVING A 30 YEAR TAX EXEMPTION FOR A COMMERCIAL PROJECT TO BE CONSTRUCTED BY WHITON STREET ASSOCIATES URBAN RENEWAL, LLC, AN URBAN RENEWAL ENTITY, PURSUANT TO THE LONG TERM TAX EXEMPTION LAW N.J.S.A. 40A:20-1 ET SEQ.**

**THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DOES ORDAIN:**

**WHEREAS**, Whiton Street Associates, LLC, is the owner of certain property known as Block 1910, Lots A, A1, A2, A3, C, D1, D2, 1, 2, 3A, 3B, 4A, 4B, 5A, 12 & 13, on the City's Official Tax map, and more commonly known by the street addresses of 220, 222, 224, 226, 230, 234, 236 & 238 Monticello Avenue; 221, 223, 225 and 227 Fairmount Avenue and 4, 8, 10 & 12 Fairview Avenue; and

**WHEREAS**, the property will be subject to a master deed created by Whiton Street Associates, LLC, consisting of two (2) master condominium units, one residential (Unit A) and one commercial (Unit B); and

**WHEREAS**, Whiton Street Associates Urban Renewal, LLC [Entity], an urban renewal entity, formed and qualified to do business under the provisions of the Long Term Tax Exemption Law of 1992, as amended and supplemented, N.J.S.A. 40A:20-1 et seq., will become the owner of Unit B, the commercial unit to be also known as Block 1910, Lot 14, Qualifier B [Property]; and

**WHEREAS**, the Property is located within the Monticello Avenue Redevelopment Plan Area as required by N.J.S.A. 40A:20-4 and N.J.S.A. 40A:12A-5(g); and

**WHEREAS**, the Entity has applied for a 30 year long term tax exemption to develop a project consisting of a Commercial Unit B, consisting of one level of approximately 17,256 square feet of retail space and approximately 46 parking spaces [Project], below the four (4) story residential space (Unit A), that is a separate residential condominium unit and the subject of a separate, independent tax exemption; and

**WHEREAS**, Whiton Street Associates Urban Renewal, LLC, has agreed to:

1. pay the greater of (i) the Minimum Annual Service Charge or (ii) 10% of the Annual Gross Revenue, which sum is estimated to be \$61,940 and which shall be subject to statutory staged increases over the term of the tax exemption; and
2. pay an annual sum equal to 2% of each prior year's Annual Service Charge as an Administrative Fee; and
3. provide employment and other economic opportunities for City residents and businesses; and
4. pay to the City, for remittance to Hudson County, an amount equal to 5% of the Annual Service Charge upon receipt of that charge; and
5. *pay a sum of \$25,848 to the City's Affordable Housing Trust Fund; and*

**ORDINANCE APPROVING A 30 YEAR TAX EXEMPTION FOR A COMMERCIAL PROJECT TO BE CONSTRUCTED BY WHITON STREET ASSOCIATES URBAN RENEWAL, LLC, AN URBAN RENEWAL ENTITY, PURSUANT TO THE LONG TERM TAX EXEMPTION LAW N.J.S.A. 40A:20-1 ET SEQ.**

**WHEREAS**, the City hereby determines that the relative benefits of the project outweigh the cost of the tax exemption, for the following reasons:

1. the current real estate taxes generate revenue of approximately \$10,893, whereas, the Annual Service Charge as estimated, will generate revenue of more than \$61,940 to the City;
2. it is expected that the Project will create approximately 20 jobs during construction and 12 new permanent jobs;
3. the Project will stabilize and contribute to the economic growth of businesses in the surrounding area;
4. the Project will further the overall redevelopment objectives of the Monticello Avenue Redevelopment Plan;
5. the City's impact analysis, on file with the Office of the City Clerk, indicates that the benefits of the Project outweigh the costs to the City; and

**WHEREAS**, the City hereby determines that the tax exemption is important in obtaining development of the project and influencing the locational decisions of probable occupants for the following reasons:

1. the relative stability and predictability of the Annual Service Charges will make the Project more attractive to investors needed to finance the Project;
2. the relative stability and predictability of the Annual Service Charges will allow the owner to stabilize its operating budget, allowing a high level of maintenance to the building over the life of the Project, which will attract tenants to the Project and insure the likelihood of the success of the Project; and

**WHEREAS**, Whiton Street Associates Urban Renewal, LLC has initially complied with Executive Order 2002-005 concerning "Disclosure of Lobbyist Representative Status" by filing an appropriate letter in the Office of the City Clerk.

**NOW, THEREFORE, BE IT ORDAINED** by the Municipal Council of the City of Jersey City that:

A. The application of Whiton Street Associates Urban Renewal, LLC, an urban renewal company, formed and qualified to do business under the provisions of the Long Term Tax Exemption Law of 1992, as amended and supplemented, N.J.S.A. 40A:20-1 et seq. a copy of which is on file in the office of the City Clerk, for a portion of Block 1910, Lots A, A1, A2, A3, C, D1, D2, 1, 2, 3A, 3B, 4A, 4B, 5A, 12 and 13, on City's Tax map and more commonly known by the street addresses of 220, 222, 224, 226, 230, 234, 236 & 238 Monticello Avenue; 221, 223, 225 and 227 Fairmount Avenue; and 4, 8, 10 & 12 Fairview Avenue, to be known as Block 1910, Lot 14, Qualifier B, a Commercial Condominium Unit, is hereby approved.

B. The Mayor or Business Administrator is hereby authorized to execute a tax exemption Financial Agreement and a Project Employment and Contracting Agreement. The Financial Agreement shall include at a minimum the following terms and conditions:

1. Term: the earlier of 35 years from the adoption of the within Ordinance or 30 years from the date the project is Substantially Complete;

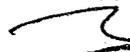
**ORDINANCE APPROVING A 30 YEAR TAX EXEMPTION FOR A COMMERCIAL PROJECT TO BE CONSTRUCTED BY WHITON STREET ASSOCIATES URBAN RENEWAL, LLC, AN URBAN RENEWAL ENTITY, PURSUANT TO THE LONG TERM TAX EXEMPTION LAW N.J.S.A. 40A:20-1 ET SEQ.**

- 2. Annual Service Charge: each year the greater of:
  - (a) the Minimum Annual Service Charge; or
  - (b) or 10% of the Annual Gross Revenue for the commercial space, for an estimated total of \$61,940 which shall be subject to statutory increases during the term of the tax exemption.
- 3. Administrative Fee: 2% of the prior year's Annual Service Charge;
- 4. County Payment: 5% of the Annual Service Charge to the City for remittance by the City to Hudson County;
- 5. Project: A Commercial Condominium Unit (Unit B), consisting of approximately 17,256 square feet of commercial space and approximately 46 parking spaces;
- 6. An obligation to execute a Project Employment and Contracting Agreement to insure employment and other economic benefits to City residents and businesses.
- C. The City Clerk shall deliver a certified copy of the Ordinance and Financial Agreement to the Tax Assessor and Director of the Division of Local Government Services.
- D. The application is on file with the office of the City Clerk. The Financial Agreement and Project Employment and Contracting Agreement shall be in substantially the form on file in the Office of the City Clerk, subject to such modification as the Business Administrator or Corporation Counsel deems appropriate or necessary.
- E. All ordinances and parts of ordinances inconsistent herewith, are hereby repealed.
- F. This ordinance shall be part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- G. This ordinance shall take effect at the time and in the manner provided by law.
- H. The City Clerk and Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

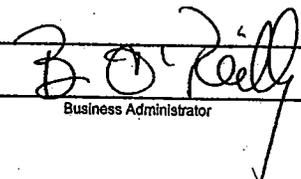
**NOTE:** All material is new; therefore underlining has been omitted. For purposes of advertising only, new matter is indicated by **bold face** and repealed matter by *italic*.

JM/he  
2/05/09

APPROVED AS TO LEGAL FORM

  
\_\_\_\_\_  
Corporation Counsel

APPROVED:

  
\_\_\_\_\_  
Business Administrator

Certification Required   
Not Required

# Ordinance of the City of Jersey City, N.J.

Ord. 09-019

ORDINANCE NO.

3.H. FEB 11 2009      4.H. FEB 25 2009

TITLE:

Ordinance approving a 30 year tax exemption for a commercial project to be constructed by Whiton Street Associates Urban Renewal, LLC, an Urban Renewal Entity, Pursuant to the Long Term Tax Exemption Law N.J.S.A. 40A:20-1 et seq.



RECORD OF COUNCIL VOTE ON INTRODUCTION											
FEB 11 2009 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	ABSENT			RICHARDSON	✓			VEGA, PRES.	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
RICHARDSON / BRENNAN											
FEB 25 2009 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	ABSENT			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	✓		

✓ Indicates Vote

*YVONNE BALCER*

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
SOTTOLANO / VEGA											
FEB 25 2009 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	ABSENT			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF FINAL COUNCIL VOTE											
FEB 25 2009 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	ABSENT			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on FEB 11 2009

Adopted on second and final reading after hearing on FEB 25 2009

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on FEB 25 2009

*Robert Byrne*  
Robert Byrne, City Clerk

APPROVED:  
*Mariano Vega*  
Mariano Vega, Jr., Council President

Date: FEB 25 2009

APPROVED:  
*Jeremiah T. Healy*  
Jeremiah T. Healy, Mayor

Date FEB 27 2009  
Date to Mayor FEB 26 2009

\*Amendment(s):  
*Add Sect 5 to page one of the ordinance in italics*