



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 11-077

TITLE:

AN ORDINANCE GRANTING PERMISSION TO 222-224 FIRST STREET LLC., ITS SUCCESSORS AND ASSIGNS, TO CONSTRUCT AND INSTALL AN ENTRY PORCH, STAIRS, FENCING AND LANDSCAPING APPROXIMATELY 40 FEET IN LENGTH AND 7 FEET IN DEPTH ALONG THE PUBLIC RIGHT OF WAY OF FIRST STREET ADJACENT TO BLOCK 243, LOTS 12 & 13, IN ACCORD WITH THE REVISED SITE PLAN AS SUBMITTED IN THE ATTACHED EXHIBIT "A".

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

WHEREAS, Petitioner is the owner of real property in Jersey City known as: 222-224 First Street, Block 243, Lots 12 and 13, and

WHEREAS, Petitioner has filed a petition with the Municipal Council of Jersey City, requesting a franchise as shown on a Site Plan prepared by Minervini Vandermark Architects, (hereinafter referred to as Exhibit "A"), said Petition and Site Plan being on file with the Office of the City Clerk, requesting a franchise giving permission to use an area of approximately 40 feet in length and 7 feet in depth of the public right of way of First Street as and for the construction and installation of an entry porch, stairs, fencing and landscaping as depicted on Exhibit "A", and

WHEREAS, the public interest will be served by this franchise as it will advance the public safety and welfare, and

WHEREAS, the use of the area in question is consistent with the adjacent buildings, the Petitioner requests that this ordinance be adopted, and

WHEREAS, 222-224 First Street, LLC., its successors and assigns, has made application to the Municipal Council of Jersey City by written Petition for the franchise herein referred to:

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

SECTION 1: Permission is hereby granted to 222-224 First Street, LLC., its successors and assigns to construct and install an entry porch, stairs, fencing and landscaping as depicted on Exhibit "A" and in accordance with the approved revised Site Plan adopted by the Jersey City Zoning Board of Adjustment.

SECTION 2: This Ordinance shall remain in full force and effect for a period of ninety-nine (99) years. This ordinance shall take effect upon final passage and publication according to law. In the event that the Municipal Council determines that this Ordinance must be cancelled in whole or in part because of a public purpose, the City reserves the right to cancel this Ordinance or any part thereof by giving written notice to the Petitioner one year prior to the date of cancellation.

SECTION 3: Only with prior written consent and approval by the City Council of the City of Jersey City, which consent and approval shall not be unreasonably withheld, shall Petitioner have the right to assign or otherwise transfer its rights under this Franchise Ordinance.

SECTION 4: In accepting the privileges of this ordinance and the installation, maintenance and use hereby authorized, 222-224 First Street, LLC., its successors and assigns, hereby agree to assume full, complete, and undivided responsibility for any and all injury or damage to persons or property by reason of said installations, maintenance and use and to indemnify and hold the City of Jersey City harmless from all injury or damage to persons or property by reason of such installation, maintenance and use for the term of this ordinance.

A) 222-224 First Street, LLC., its successors and assigns shall maintain in effect, during the term of this franchise, liability insurance naming the City of Jersey City, its officers and employees as insureds, covering the use and occupancy of the franchised portion of First Street. A Certificate of the Insurance, in the amount of \$1,000,000.00 in a form deemed acceptable by the City's Risk Manager, shall be delivered to the Risk Manager before use or occupancy of the premises subject to the Franchise Ordinance.

SECTION 5: All work herein authorized shall be done under the supervision of the proper department or departments of the City of Jersey City. Further, all the work herein authorized shall comply with any State of New Jersey Uniform Construction Code requirements. After construction, there shall remain no damage to the area or interference with the free and safe flow of pedestrian traffic. The Petitioner, and its successor or assigns, shall maintain all improvements installed by it for the entire term of this franchise at no cost to the City.

SECTION 6: The costs and expenses incidental to the introduction, passage and publication of this Ordinance shall be paid by the Petitioner.

SECTION 7: The Ordinance shall not become effective unless an acceptance hereof in writing be filed by the Petitioner.

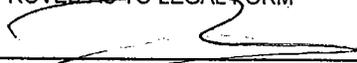
SECTION 8: In the event that the Petitioner shall not file with the City Clerk its acceptance, in writing, of the provisions of this Ordinance within thirty (30) days after receiving notice of its passage, this Ordinance shall become void and be of no effect.

SECTION 9: For the Franchise herein granted, the Petitioner shall pay annually to the City of Jersey City the sum of ONE DOLLAR (\$1.00), which payment shall be made in advance to the City Finance Director, at his/her office at City Hall, on the first day of January in each year after this Ordinance becomes effective and remains in force.

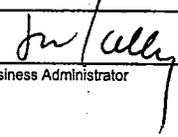
SECTION 10: This Franchise Ordinance shall be subject to the following conditions:

- a) An easement upon the portion of the Property subject to this Franchise Ordinance is hereby reserved for the benefit of the City of Jersey City and all public utility companies for the purpose of operating, maintaining, inspecting, protecting, repairing, replacing or reconstructing any existing water, sewer or utility lines together with the right of ingress and egress at all times for such purposes and all other purposes in connection with or in any way relating to the City of Jersey City's or public utility companies', use or operation of water, sewer or utility lines.
- b) No building or structure of any kind may be constructed over the water or sewer utilities within the area subject to this franchise without the consent of the Chief Engineer of the City of Jersey City.
- c) The Petitioner shall install the porch and landscaping in accord with the approved Site Plan.
- d) All inconsistent Ordinances and parts of Ordinances are hereby repealed.
- e) 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.
- f) This Ordinance shall take effect at the time and in the manner provided by law.
- g) The City Clerk and the Corporation Counsel are 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 repeal of the existing provisions.

APPROVED AS TO LEGAL FORM


Corporation Counsel

APPROVED: _____

APPROVED: 
Business Administrator

Certification Required
Not Required

Tolonda Griffin-Ross

From: Rita McKenna [ritamckenna@ymail.com]
Sent: Wednesday, June 08, 2011 6:08 PM
To: Tolonda Griffin-Ross
Cc: Jon Campbell
Subject: 222-224 First Street Franchise
Attachments: Stoop Redesign May 20th 2011.pdf; Amended Franchise packet.11.06.06.doc

Tolanda,

Attached below is Chuck Lee's approval of the revised franchise that we submitted to you on Tuesday. The architects advised us that they have sent Mr. Lee the documents he requested.

For your convenience we have also attached the packet of franchise documents we submitted to you on Tuesday.

If there is anything else we can do to move this along please let us know.

Thank you.

take care,
Rita

----- Forwarded Message -----

From: Chuck Lee <CLee@jcnj.org>
To: Ciaran Kelly <ciarankelly@mvarchitecture.com>
Cc: "jeremy@doppelt.org" <jeremy@doppelt.org>; Anthony Vandermark <anthonyvandermark@mvarchitecture.com>; Rita McKenna <ritamckenna@ymail.com>; "jonpcampbell@hotmail.com" <jonpcampbell@hotmail.com>; Lichuan Wang <Lichuan@jcnj.org>; Robert Byrne <RByrne@jcnj.org>
Sent: Fri, June 3, 2011 1:09:26 PM
Subject: RE: 222 1st street, Jersey City

Ms. Kelly

I have been on vacation and apologize for not able to check my emails.

We have reviewed the attached revised layout you emailed to us and we find it acceptable. Please provide a title block on this sketch along with your signature, and resubmit it with the Franchise Petition to us. We will also need a written metes and bound description for the franchise area.

Chuck F. Lee, P.E.
City Engineer
575 Route 440
Jersey City, NJ 07305
Office: 201-547-4413
Fax: 201-547-6848

From: Ciaran Kelly [<mailto:ciarankelly@mvarchitecture.com>]

Sent: Friday, May 20, 2011 4:45 PM

To: Chuck Lee

Cc: jeremy@doppelt.org; 'Anthony Vandermark'; 'Rita McKenna'; jonpcampbell@hotmail.com; Lichuan Wang

Subject: 222 1st street, Jersey City

Mr. Lee,

Please take a look at the attached stoop redesign proposal. In the interest of bringing this matter to a close we are proposing a solution which, based on your last email, should satisfy your requirements. We are proposing that the stoop extend 7 feet only beyond the face of the building leaving 8 feet between the first step and the curb line. The front face of our proposed building will line up with the rest of the buildings and be 15'-0" from the curb. As your department previously requested we have positioned the fenceline to match the existing fence line to the east @ 3'-11" off the face of the building.

To quote from your last email..

"We will have no objection to your Franchise Petition if you will locate the building outside of our Right-of-Way line (15' from the curb line like everyone else) and the stoop at least 8' behind the curb line to match with all others along that street. "

We will meet both these criteria. Please review the attachment and confirm that this proposal will be acceptable so that I can then proceed and prepare formal submissions for approval.

Thank you and have a nice weekend

Ciaran Kelly,

Project Architect,

Minervini Vandermark Architecture,

360 Fourteenth Street,

Hoboken, New Jersey, 07030.

Tel: 201 386 0637

Fax: 201 386 0628

This email has been scanned by the MessageLabs Email Security System.

For more information please visit <http://www.messagelabs.com/email>

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Raymond Reddington

From: Raymond Reddington
Sent: Tuesday, September 21, 2010 4:14 PM
To: Tolonda Griffin-Ross
Subject: Franchise Ordinance 222-224 First Street LLC

My comments are:

- 1) Section 1, page 2, 3rd line; typo, should be "in accordance with.."
- 2) Section 2, needs to be replaced with:

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NOTICE: The contents of this message, together with any attachments, are intended only for the use of the individual or entity to which they are addressed and contain information that is legally privileged, confidential and exempt from disclosure. If you are not the intended recipient, you are hereby notified that any review, use, transmission, conversion to hard copy, dissemination, distribution, or copying of this message, or any attachments, is strictly prohibited. If you have received this message in error, please notify the original sender by email or telephone (201) 547-5229 and immediately delete this message, along with any attachments, from your computer. Thank you.

Franchise/Vacation Ordinance Reply Sheet

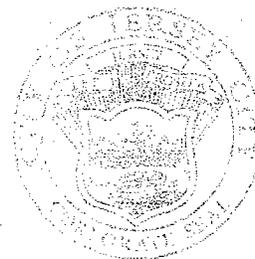
FRANCHISE ORDINANCE
222-224 - First Street
Stoop, fencing and landscaping

Amended metes and bounds description submitted 7/26/10
 Revised Exhibit A submitted 8/16/10

DEPARTMENT	DATE	COMMENT	YES	NO	REVISE
Business Administrator John Kelly- 5147	8/2		-----	-----	-----
Construction Official Raymond Meyer - 5697	8/5		-----	-----	-----
Engineering Chuck Lee, Mun. Engineer - 4413	8/3	make changes	-----	-----	-----
Fire Department Armando Roman, Director - 4239	6/23		-----		
Housing, Economic Dev. & Commerce Carl Czaplicki, Director - 5070					
Div. of Planning Ext. 4499 Robert Cotter, Director	8/5		-----		
Law Department Ext. 5229 William Matsikoudis, Corp. Counsel	9/21	make changes	-----		
Police Department Samuel Jefferson, Director - 5300	8/6		-----		
Public Works Rodney Hadley, Director - 4402	6/22		-----		
Risk Manager Peter Soriero - 6929	6/24		-----		
Tax Assessor Ed Toloza- 4707	6/24		-----		
Tax Collector Maureen Cosgrove - 5120	6/22		-----		

Attorney: Jon P. Campbell, 317 Belleville Avenue, Bloomfield, New Jersey 07003, 973-818-7792

CITY OF JERSEY CITY
Office of the City Clerk
Interdepartmental Memorandum



DATE: July 29, 2010

TO: Business Administrator: John Kelly
Construction Official: Raymond Meyer
Engineering: Chuck Lee, Municipal Engineer
Housing, Economic Dev. & Commerce: Carl Czaplicki, Director
Division of City Planning: Robert Cotter, Director
Law Department: William Matsikoudis, Corp. Counsel
Police Department: Samuel Jefferson, Director

Tolonda

I have no comment.

Jack Kelly.

FROM: Tolonda Griffin-Ross, Deputy City Clerk 
tolonda@icnj.org

RE: PROPOSED FRANCHISE ORDINANCE
PETITIONER: 222-224 FIRST STREET LLC
Stoop, fencing and landscaping

*****SECOND REQUEST*****

Enclosed, please find the above-referenced franchise ordinance and its corresponding petition and survey. The Municipal Council requires your opinion before they will consider taking legislative action. Therefore, when responding, please be aware of the essential need to be accurate and comprehensive. Your response must then be forwarded to the Office of the City Clerk for the Council's final determination. I would appreciate a prompt response.

Should you have any questions in respect to this matter, please contact the attorney for the petitioner:

ATTORNEY'S INFORMATION

Jon P. Campbell
317 Belleville Avenue
Bloomfield, New Jersey 07003
Tel: 973-818-7792

2010 AUG 2 11:10 AM

Tolonda Griffin-Ross

From: Raymond Meyer
Sent: Thursday, August 05, 2010 8:30 AM
To: Tolonda Griffin-Ross
Subject: 222-224 First Street

Be advise I have no comments or objections for this matter.

Tolonda Griffin-Ross

From: Ciaran Kelly [ciarankelly@mvarchitecture.com]
Sent: Friday, October 08, 2010 4:08 PM
To: Chuck Lee
Cc: Lichuan Wang; Claire Davis; ritamckenna@ymail.com; jeremy@doppelt.org; Tolonda Griffin-Ross; Dan Wrieden; Peter Brennan; Robert Byrne; Robert Cotter; Rodney Hadley; Steve Fulop
Subject: 222 1st street

Hello Chuck,

The items below are in direct response to your recent email dated 10/7/10 regarding the project at 222 First Street. There are some important items that seemed to be absent when making your determination. Our office is not trying to be difficult in this process. However we would like all facts to be known so that we can all make a more educated decision.

First of all we think it is important to remember that this 'Stoop' was added to the building at the specific request of the historic department of the city and was not part of the original facade design. The 1st floor unit does not require the direct access from the street. It can easily be eliminated. However this changes the facade design completely. Once requested however, we needed to make it code compliant. It has been designed to ascend from grade to the 1st floor level at B.F.E. with the least number of risers required. It is not 'excessive'. It is what is required by federal flood plane & code.

In your email you make repeated comparisons to the existing street conditions, specifically in terms of building and fence lines, but for some reason you only talk about the east side of the building between our lot and Manila Street.

You say "Your problem was created by your building being proposed much closer to the street than your neighbor's house to the right" and "We were willing to allow the proposed planters and fence encroach 3'-11" into the sidewalk area, which will line up with the existing adjacent fence line all the way to Manila Street" What about the rest of the street though? Our lot lies about 2/5 of the way between Manila and Erie and in truth the street scape between our proposed building and Erie street to the west is a far more influential in terms of consistent street line, consistent fence line, repetition of stoops, existence and repetition of trees. To just look east from our lot makes for a poor comparison.

The front line of our building **matches** that of the adjoining building on the left (west) and which in fact is the predominant building line on the street. All building positioning, stair and fence lines were reviewed & scrutinized to great extent by both the Historic & Planning Department. We spent months considering all of these items and their relation to the entire street as a whole. Items, such as the fence line to the left (west) extending further out than on the right and it being the predominant fence line on the street, were carefully considered when designing our site elements.

Your department recently requested that our fence line be pulled back and that the proposed tree pits, which were previously designed as 3ftx3ft, be increased to 5ftx5ft. It is our opinion that these two changes have had a negative effect on the overall design. It also neglects all the predominant properties situation to the left (west) of our site. This is because pulling the fence line back has increased the distance the stair projects beyond it to 4'-6" and increasing the tree pit size way beyond the predominant pit size throughout the rest of the street causes an awkward condition in front of our building. These items, as requested, have no relevance to the rest of the predominant design characteristics that were carefully considered when designing the original application, yet we have changed them at your request. Our firm can abide by your request for a stair modification by recessing it back into the structure, though we think it an unfair imposition on our client at this late stage. We will not be changing the position of the structure itself in relation to the site. In addition, this design alteration will have to be approved once again by both historic and zoning departments. We request you review this issue once last time before making such strong judgments.

Sincerely,

Anthony Vandermark & Ciaran Kelly,

Minervini Vandermark Architecture,

360 Fourteenth Street,

Hoboken, New Jersey, 07030.

Tel: 201 386 0637

Tolonda Griffin-Ross

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Thank you.

take care,
Rita

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Project Architect,

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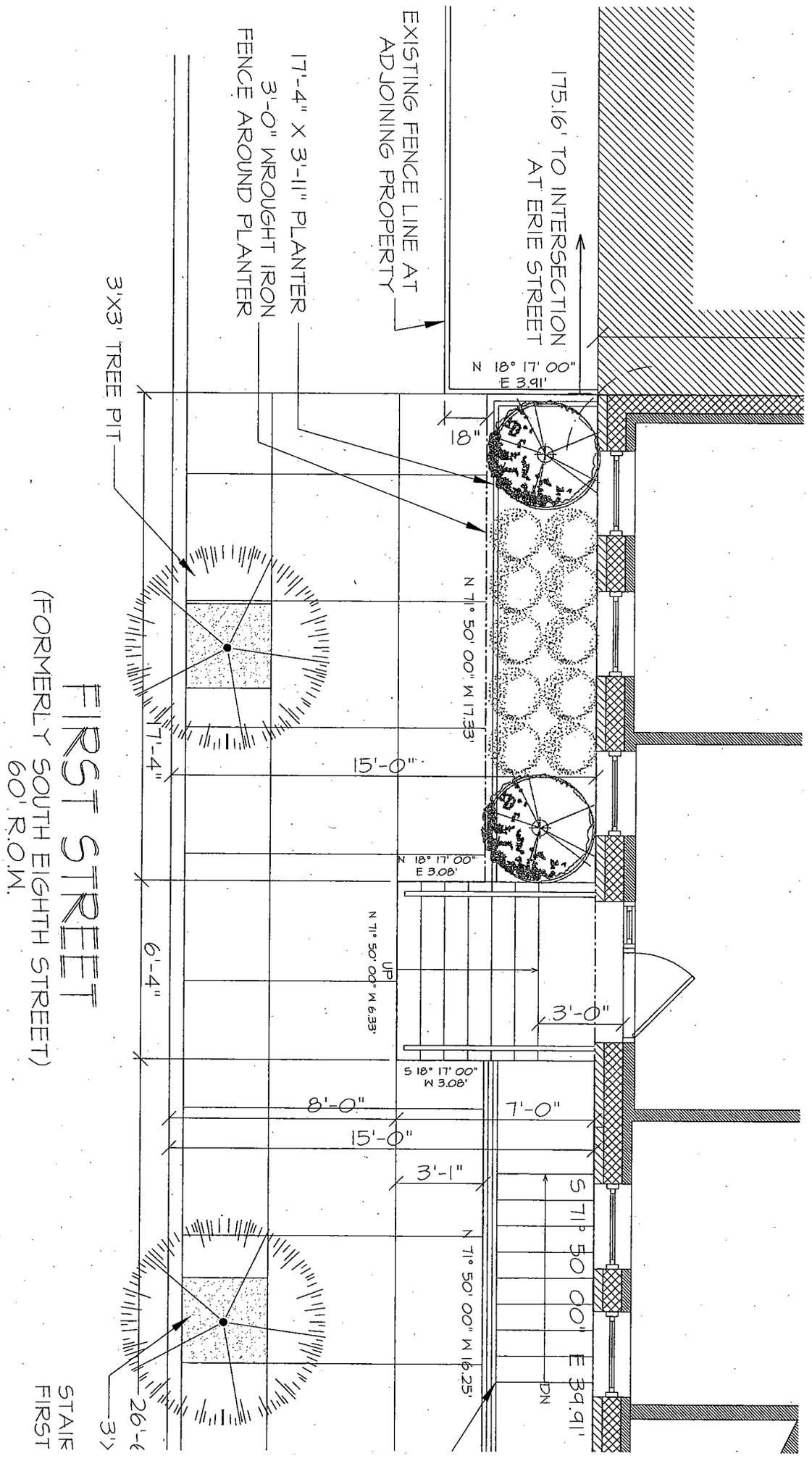
Fax: 201 386 0628

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175.16' TO INTERSECTION
AT ERIE STREET

N 18° 17' 00"
E 3.91'

EXISTING FENCE LINE AT
ADJOINING PROPERTY

17'-4" X 3'-11" PLANTER
3'-0" WROUGHT IRON
FENCE AROUND PLANTER

3'X3' TREE PIT

FIRST STREET
(FORMERLY SOUTH EIGHTH STREET)
60' R.O.M.

STAIR
FIRST

N 71° 50' 00" W 17.33'

15'-0"

N 18° 17' 00"
E 3.06'

N 71° 50' 00" W 6.33'

17'-4"

6'-4"

S 18° 17' 00"
W 3.06'

8'-0"

15'-0"

N 71° 50' 00" W 16.25'

7'-0"

3'-1"

S 71° 50' 00" E 39.91'

DN

26'-6"

3' >

JON P. CAMPBELL
ATTORNEY AT LAW OF NEW JERSEY
317 Belleville Avenue
Bloomfield, New Jersey 07003
Phone: 973-818-7792 Fax: 973-575-5367
jonpcampbell@hotmail.com

June 7, 2011

Honorable City Clerk of the City of Jersey City
City Hall – 280 Grove Street
Jersey City, New Jersey 07302
Attn: Tolonda Griffin-Ross, Deputy City Clerk

Re: Franchise Ordinance
222-224 First Street
Block 243 Lots 12 & 13

Dear Ms. Griffin-Ross,

Attached please find an amended Petition, Ordinance, and Exhibit A in the above referenced matter. These amendments are the result of ongoing discussions between the architect, Minervini Vandermark, and Chuck Lee of Engineering. Mr. Lee has approved the amendments. Both Claire Davis of Zoning and Dan Wrieden of Historic have also reviewed these changes. At this point they have not voiced any objections.

Mr. Lee has requested revised documents in support of these amendments and such documents have been forwarded to him. The revised documents that Mr. Wrieden has requested are being prepared and should be forwarded to him by the end of this week.

Please advise as to a date, time and place for the caucus meeting.

Thank you for your assistance.

Sincerely,

Jon Campbell

Enclosures

City Clerk File No. Ord.
Agenda No. 1st Reading
Agenda No. 2nd Reading

ORDINANCE
OF
JERSEY CITY, NEW JERSEY

COUNCIL, AS A WHOLE

Offered and moved adoption of the following ordinance:

AN ORDINANCE GRANTING PERMISSION TO 222-224 FIRST STREET LLC., ITS SUCCESSORS AND ASSIGNS, TO CONSTRUCT AND INSTALL AN ENTRY PORCH, STAIRS, FENCING AND LANDSCAPING APPROXIMATELY 40 FEET IN LENGTH AND 7 FEET IN DEPTH ALONG THE PUBLIC RIGHT OF WAY OF FIRST STREET ADJACENT TO BLOCK 243, LOTS 12 & 13, IN ACCORD WITH THE REVISED SITE PLAN AS SUBMITTED IN THE ATTACHED EXHIBIT "A".

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SECTION 2: This Ordinance shall remain in full force and effect for a period of ninety-nine (99) years. However, in the event that this building and all the buildings on the block on which the subject site lays should be demolished, thereby enabling all new construction to establish a uniform front setback which complies with the then effective set back regulations, the City of Jersey City reserves the right to cancel this Ordinance by giving written notice to the Petitioner of the cancellation of this franchise and the requirement that such new construction adhere to the zoning ordinance.

SECTION 3: Only with prior written consent and approval by the City Council of the City of Jersey City, which consent and approval shall not be unreasonably withheld, shall Petitioner have the right to assign or otherwise transfer its rights under this Franchise Ordinance.

SECTION 4: In accepting the privileges of this ordinance and the installation, maintenance and use hereby authorized, 222-224 First Street, LLC., its successors and assigns, hereby agree to assume full, complete, and undivided responsibility for any and all injury or damage to persons or property by reason of said installations, maintenance and use and to indemnify and hold the City of Jersey City harmless from all injury or damage to persons or property by reason of such installation, maintenance and use for the term of this ordinance.

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- e) 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.
- f) This Ordinance shall take effect at the time and in the manner provided by law.
- g) The City Clerk and the Corporation Counsel are 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 repeal of the existing provisions.

PETITION FOR FRANCHISE ORDINANCE

TO: THE HONORABLE MAYOR AND MUNICIPAL COUNCIL
OF THE CITY OF JERSEY CITY, NEW JERSEY

Your petitioner, 222-224 FIRST STREET, LLC., a corporation of the State of New Jersey, its successors and assigns, having offices located at: c/o Doppelt, Suite 502, 408 Main Street, in the City of Boonton, County of Morris, and State of New Jersey, 07005, respectfully says that:

1. The petitioner is the owner of real property in Jersey City known as:
222-224 First Street, Block 243, Lots 12 & 13
2. The lot is presently occupied by a dilapidated residential building which is to be replaced by new construction.
3. The subject site is in the Harsimus Cove Historic Zoning District and the petitioner proposes to construct on the site an eight unit residential building.
4. The petitioner has received approvals for Site Plan and Variances from the Jersey City Zoning Board of Adjustment.
5. In order to enhance the aesthetics of the area and the proposed building, Petitioner proposes to provide an appropriate front setback for the front stoop, along with appropriate fencing and landscaping, requiring Petitioner to seek a franchise ordinance from the City of Jersey City.
6. The proposed improvements to the public Right-of-way requiring a franchise were recommended by the Jersey City Historic Preservation Commission and Zoning Board of Adjustment approval was conditioned on application for a franchise in order to construct the recommended improvements.

WHEREFORE, Petitioner respectfully prays for itself, its successors and assigns, permission by virtue of a Franchise Ordinance to be adopted by the City Council of the City of Jersey City, to construct the stoop and fencing and to install landscaping in the right of way of First Street, in accord with the approved revised Site Plan.

222-224 FIRST STREET, LLC

By: _____
Jon P. Campbell, Agent

EXHIBIT A

Tolonda Griffin-Ross

From: Chuck Lee
Sent: Thursday, October 07, 2010 8:30 AM
To: Jon Campbell
Cc: ciarankelly@mvarchitecture.com; rita mckenna; Tolonda Griffin-Ross; jeremy doppelt; Lichuan Wang; Claire Davis; Dan Wrieden; Peter Brennan; Robert Byrne; Robert Cotter; Rodney Hadley; Steve Fulop; 'Althea Bernheim'; Pamandes@comcast.net; Patricia Andes; g.remsen@jcmua.com; Chris Piersa
Subject: Div of Engineering does not recommend approval of the Franchise Ordinance for 222-224 First St., B243, Lots 12&13
Attachments: 222 First Street Franchise Petition looking toward Manila (Large).JPG; 222 First Street Franchise Petition from Manila looking toward site (Large).JPG

Jon,

The Division of Engineering **strongly** opposes the staircase encroachment being proposed for this project because it is too excessive and poses a safety hazard to the general public. We have objected to this proposal since 2008 (see our Engineering review letter dated June 11, 2008). Our opinion has not changed.

We were willing to allow the proposed planters and fence encroach 3'-11" into the sidewalk area, which will line up with the existing adjacent fence line all the way to Manila Street (see attached photos). However, to allow the staircase encroach another 4'-6" beyond the fence line will break this line-of-sight and will make this staircase closer to the street more so than everyone else along First Street. We believe this will create an unsafe condition.

Your problem was created by your building being proposed much closer to the street than your neighbor's house to the right. Our field measurement showed that your neighbor's house is situated 22'-1" behind the street curb line. You are proposing your new building at 13'-11" behind the curb line. Your proposed building is 8'-2" closer to the street than your neighbor's house. We believe you should be able to move your house back at least 4'-6" or recess the front door into the building in order to keep your stairs behind the fence line.

The Division of Engineering does not recommend approval of this Franchise Petition based on the above finding.

Chuck F. Lee, P.E.

City Engineer
575 Route 440
Jersey City, NJ 07305
Office: 201-547-4413
Fax: 201-547-6848

From: Jon Campbell [mailto:jonpcampbell@hotmail.com]
Sent: Sunday, October 03, 2010 10:59 AM
To: ciarankelly@mvarchitecture.com; rita mckenna; Tolonda Griffin-Ross; jeremy doppelt; Chuck Lee; Lichuan Wang; jonpcampbell@hotmail.com; Claire Davis; Dan Wrieden
Subject: RE: Franchise Ordinance: 222-224 First St., B243, Lots 12&13

Dear Mr Lee and Ms Wang,

Upon further review of your comments regarding the franchise at 222 First St, we are of a mind to pursue our request as is with the city council.

The Historic Preservation Commission and the Zoning Board of Adjustment both approved the plan as is,

notwithstanding engineering comments predating the approvals. The attached photos show an irregular fence and stoop line, and the architecture as proposed is more consistent with the area. The sidewalk width, while not optimum, is consistent with much of the area and is nearly conforming to planning standards.

To redesign the stoop would conflict with the historic scheme, require resubmissions to multiple boards, and lead to costly delay.

For these reasons, while we respect your opinion, we feel we are disinclined to revise the plans at this time.

If you feel strongly about this, please feel free to contact me to further discuss it.

Date: Tue, 21 Sep 2010 18:18:54 -0400

From: ciarankelly@mvarchitecture.com

Subject: RE: Franchise Ordinance: 222-224 First St., B243, Lots 12&13

To: ritamckenna@ymail.com; jonpcampbell@hotmail.com; tolonda@jcnj.org; jeremy@doppelt.org;

CLee@jcnj.org; Lichuan@jcnj.org

Dear Rita, Jon, Lichuan, Chuck, Jeremy, and all interested parties.

I have just received an engineers report dated 09/21/2010 denying the franchise application at the above address because "the proposed stairs must not encroach beyond the adjacent fence line".

The proposed front stairs were designed to enable residents to ascend from sidewalk (grade) level to the first floor residential level which has to be above base flood elevation. In this case base flood is 5'-0" above grade which requires a minimum of 9 risers, thus extending the stair beyond the fence line. The design has already been approved by both Historical and Zoning and to ammend it now would require resubmissions to both entities and a new board appearance would also be required.

An alternative approach of having the stair run parallel to the front facade was ruled out at the cities request pre-zoning. The stair reconfiguration can be accommodated by recessing the entry door, however our firm will only make this ammendment on full agreement by all agencies having authority.





Tolonda Griffin-Ross

From: Chuck Lee
Sent: Tuesday, October 12, 2010 8:16 AM
To: Ciaran Kelly
Cc: Lichuan Wang; Claire Davis; ritamckenna@ymail.com; jeremy@doppelt.org; Tolonda Griffin-Ross; Dan Wrieden; Peter Brennan; Robert Byrne; Robert Cotter; Rodney Hadley; Steve Fulop; Jon Campbell
Subject: Div of Engineering does not recommend approval of the Franchise Ordinance for 222-224 First St., B243, Lots 12&13

We have reviewed your 10/8/10 email and our objection stands. We believe you can mitigate our safety concerns as indicated in our 10/7/10 email.

Chuck F. Lee, P.E., P.P., C.M.E.

City Engineer
Director of Engineering
575 Route 440
Jersey City, NJ 07305
Office: 201-547-4413
Fax: 201-547-6848

From: Ciaran Kelly [mailto:ciarankelly@mvarchitecture.com]
Sent: Friday, October 08, 2010 4:08 PM
To: Chuck Lee
Cc: Lichuan Wang; Claire Davis; ritamckenna@ymail.com; jeremy@doppelt.org; Tolonda Griffin-Ross; Dan Wrieden; Peter Brennan; Robert Byrne; Robert Cotter; Rodney Hadley; Steve Fulop
Subject: 222 1st street

Hello Chuck,

The items below are in direct response to your recent email dated 10/7/10 regarding the project at 222 First Street. There are some important items that seemed to be absent when making your determination. Our office is not trying to be difficult in this process. However we would like all facts to be known so that we can all make a more educated decision.

First of all we think it is important to remember that this 'Stoop' was added to the building at the specific request of the historic department of the city and was not part of the original facade design. The 1st floor unit does not require the direct access from the street. It can easily be eliminated. However this changes the facade design completely. Once requested however, we needed to make it code compliant. It has been designed to ascend from grade to the 1st floor level at B.F.E. with the least number of risers required. It is not 'excessive'. It is what is required by federal flood plane & code.

In your email you make repeated comparisons to the existing street conditions, specifically in terms of building and fence lines, but for some reason you only talk about the east side of the building between our lot and Manila Street.

You say "Your problem was created by your building being proposed much closer to the street than your neighbor's house to the right" and "We were willing to allow the proposed planters and fence encroach 3'-11" into the sidewalk area, which will line up with the existing adjacent fence line all the way to Manila Street" What about the rest of the street though? Our lot lies about 2/5 of the way between Manila and Erie and in truth the street scape between our proposed building and Erie street to the west is a far more influential in terms of consistent street line, consistent fence line, repetition of stoops, existence and repetition of trees. To just look east from our lot makes for a poor comparison.

The front line of our building **matches** that of the adjoining building on the left (west) and which in fact is the predominant building line on the street. All building positioning, stair and fence lines were reviewed & scrutinized to great extent by both the Historic & Planning Department. We spent months considering all of these items and their relation to the entire street as a whole. Items, such as the fence line to the left (west) extending further out

than on the right and it being the predominant fence line on the street, were carefully considered when designing our site elements.

Your department recently requested that our fence line be pulled back and that the proposed tree pits, which were previously designed as 3ftx3ft, be increased to 5ftx5ft. It is our opinion that these two changes have had a negative effect on the overall design. It also neglects all the predominant properties situation to the left (west) of our site. This is because pulling the fence line back has increased the distance the stair projects beyond it to 4'-6" and increasing the tree pit size way beyond the predominant pit size throughout the rest of the street causes an awkward condition in front of our building. These items, as requested, have no relevance to the rest of the predominant design characteristics that were carefully considered when designing the original application, yet we have changed them at your request. Our firm can abide by your request for a stair modification by recessing it back into the structure, though we think it an unfair imposition on our client at this late stage. We will not be changing the position of the structure itself in relation to the site. In addition, this design alteration will have to be approved once again by both historic and zoning departments. We request you review this issue once last time before making such strong judgments.

Sincerely,

Anthony Vandermark & Ciaran Kelly,

Minervini Vandermark Architecture,

360 Fourteenth Street,

Hoboken, New Jersey, 07030.

Tel: 201 386 0637

Fax: 201 386 0628

CITY OF JERSEY CITY

Division of Engineering, Traffic & Transportation

MEMORANDUM

DATE: September 21, 2010

FROM: Lichuan Wang, P.E., Principal Engineer

TO: Tolonda Griffin-Ross, Deputy City Clerk

SUBJECT: Franchise Ordinance Petition
222 - 224 First Street, Block 243, Lots 12 & 13

The Division of Engineering has reviewed the revised Franchise Ordinance Petition application for compliance with our previous review comments dated August 3, 2010 for the subject project. The petition proposes to construct stoop, stairs, fencing and landscaping that will encroach 40 feet in length and 8.5 feet in depth onto the adjoining sidewalk within the City public right-of-way.

Based on our further review, we do not recommend approval based on the following observation:

- The proposed stairs must not encroach beyond the adjacent fence line. Please revise and resubmit.


Approved By: Chuck F. Lee, P.E., P.P., CME, City Engineer

Cc: Rodney Hadley, Director, Department of Public Works
Robert Carter, Director, Division of Planning
Gerry Remsen, JCMUA
Brian Weller, Division of Architecture

CITY OF JERSEY CITY

Division of Engineering, Traffic & Transportation

MEMORANDUM

DATE: August 3, 2010

FROM: Lichuan Wang, P.E., Principal Engineer

TO: Tolonda Griffin-Ross, Deputy City Clerk

SUBJECT: Franchise Ordinance Petition
222 - 224 First Street, Block 243, Lots 12 & 13

The Division of Engineering has reviewed the revised Franchise Ordinance Petition application for compliance with our previous review comments dated July 6, 2010 for the subject project. The petition proposes to construct stoop and fencing, and to install landscaping that will encroach 40 feet in length and 8.5 feet in depth onto the adjoining sidewalk within the City public right-of-way.

Based on our further review, we find that the revised application still lacking the following:

1. Provide an easement map showing dimensions for the sidewalk and the encroachments.
2. The applicant mentioned Exhibit "A" as part of the application. Please provide this.
3. The metes and bounds description for the franchise area is still incorrect. Please revise.
4. The encroachment must be in line with or not exceed the existing fences on both sides of the property. The plan must indicate the location of the adjacent fences.

 8/4/10
Approved By: Chuck F. Lee, P.E., P.P., City Engineer

CITY OF JERSEY CITY
Division of Engineering, Traffic & Transportation

MEMORANDUM

DATE: July 6, 2010

FROM: Lichuan Wang, P.E., Principal Engineer

TO: Tolonda Griffin-Ross, Deputy City Clerk

SUBJECT: Franchise Ordinance Petition
222 - 224 First Street, Block 243, Lots 12 & 13

The Division of Engineering has reviewed the Franchise Ordinance Petition application for the subject project which proposes to construct the stoop and fencing and to install landscaping that will encroach 40 feet in length and 8.5 feet in depth onto the adjoining sidewalk within the City public right-of-way.

Based on our review, we need the following information to be provided for further consideration:

1. Provide an easement map showing dimensions for the sidewalk and the encroachments.
2. The applicant mentioned Exhibit "A" as part of the application. Please provide this.
3. The metes and bounds description for the franchise area is incorrect. Please revise.
4. The encroachment must be in line with or not exceed the existing fences on both sides of the property.



Approved By: Chuck F. Lee, P.E., P.P., City Engineer



CITY OF JERSEY CITY



FIRE DEPARTMENT

INTERDEPARTMENTAL MEMORANDUM

To: ✓ Robert Byrne
City Clerk

From: Armando Roman *AR*
Director of Fire & Emergency Services

Date: June 23, 2010

Re: Proposed Franchise Ordinance - A Franchise Ordinance Granting Permission to 222-224 First Street, LLC, a Limited Liability Company Organized under the Laws of the State of New Jersey, its Successors and Assigns, to Construct the Stoop and Fencing and to Install Landscaping in the Right of Way of First Street, in Accord with the Approved Site Plan

The Fire Department has reviewed the above proposed franchise ordinance and has no objections to it's approval.

RECEIVED
2010 JUN 23 P 2:48
FIRE DEPARTMENT
CITY OF JERSEY CITY, N.J.

Robert Byrne

From: Robert Cotter [bobbyc@jcnj.org]
Sent: Thursday, August 05, 2010 12:53 PM
To: Robert Byrne; Armando Roman; Robert Cotter; Carl Czaplicki; Edward Toloza; John Kelly; Joao D'Souza; Karen Yanick; William Matsikoudis; Maureen Cosgrove; Irene McNulty; Peter Soriero; Raymond Meyer; Rodney Hadley; Sean Gallagher; Samuel Jefferson; Tolonda Griffin-Ross
Subject: 222-224 First Street

Please be advised that changes made to the petition and ordinance at City Planning's request have now brought the franchise request into compliance with the approvals previously granted by the Historic Preservation Commission and the Jersey City Planning Board.

Accordingly, we offer our support for the franchise request.

Robert D. Cotter, PP, AICP
Jersey City Planning Director
Division of City Planning
30 Montgomery Street, Suite 1400
Jersey City, NJ 07302
Phone: 201-547-5050
Fax: 201-547-4323
email: bobbyc@jcnj.org

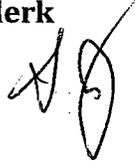


JERSEY CITY POLICE DEPARTMENT

OFFICE OF THE DIRECTOR

8 Erie Street – Jersey City, NJ 07302
Office # (201) -547-5300 – Fax # (201) 547-4283

Memorandum

Date: August 5, 2010
To: Tolanda Griffin –Ross, Deputy City Clerk
From: Samuel Jefferson, Director of Police 
Subject: Proposed Franchise Ordinance/
222-224 First Street

As per your request, the attached above subject has been inspected by the East District personnel and offer no objection to the site other then parking issues.

SJ/do
Cc: File

RECEIVED
2010 AUG - 6 A 9:36
JERSEY CITY, N.J.



**OPERATIONS DIVISION
PATROL BUREAU
BUCK SLIP**

579
474

To: D/C P. Nalbach, Operations Division Commander

From: Insp. H. Donaghue Patrol Bureau Commander

Date: August 4, 2010

Subject: Proposed Franchise Ordinance 222-224 First Street

For your action
For your information

Distribute to members of your Command
Return by _____

COMMENTS Please see attached.

To: Director Samuel Jefferson

From: D/Chief P. Nalbach

Date: 08/05/10

For your action
For your information

Distribute to members of your Command For
Return by _____

COMMENTS East District personnel have inspected the above site and offer no objection to the proposed franchise ordinance, other than parking issues.

To: _____

From: _____

Date: _____

For your action
For your information

Distribute to members of your Command For
Return by _____

COMMENTS _____

EAST DISTRICT
OPERATIONS DIVISION
PATROL BUREAU
BUCK SLIP

474
~~479~~

238

To: Inspector Hugh Donaghue, Patrol Bureau Commander
From: Captain Joseph A. Connors
Date: August 2, 2010
Subject: 222-224 First Street

- For your information
- For your action
- Distribute to members of your Command
- Return by Month ___ Day ___ Year _____

COMMENTS: Attached for your review and forwarding is a report outlining PO
Molina's inspection of 222-224 first St. I concur with his observations, noting no
major adverse effect on the neighborhood with exception to the parking situation.

To: _____
From: _____
Date: _____
Subject: _____

- For your information
- For your action
- Distribute to members of your Command
- Return by Month ___ Day ___ Year _____

COMMENTS: _____

JERSEY CITY POLICE DEPARTMENT

FROM: P.O. Frank Molina, #1899
TO: Capt. Joseph Connors
SUBJECT: 222-224 First Street

FILE # _____
DATE 8/2/10

Sir,

The u/s Officer responded to the area of 222-224 First Street and noticed the following:

- the area is comprised of two to eight family houses
- the area is a considerably quiet residential neighborhood
- the lot in question is currently vacant and fenced off
- the building adjacent to the lot is an old three story structure in need of repairs and should include new sidewalks

As per my observations, an eight unit building should not have an adverse effect on the existing area, however, it will impact on the limited street parking.

Respectfully submitted,



P.O. Frank Molina, #1899

285
Jersey City Police Department
Office of the Chief

474

Date: 6-23-10

Subject: Proposed Franchise Ordinance - 222-224 First St.

From: Chief of Police - Thomas Comey

To: Capt. Gallagher - East District Commander

Via: Inspector Donaghue - Operations Division Commander

For Your Information

For Your Action

Distribute to Members of Your Command

Send to
Capt Gallagher

Comments:

Date: 6-25-10

Subject: S.A.A.

From: Insp. H. Donaghue - Patrol Bureau Commander

To: Capt Gallagher - East District Commander

Via:

For Your Information

For Your Action

Distribute to Members of Your Command

Comments: Please review and return with any recommendation

Date:

Subject:

From:

To:

Via:

For Your Information

For Your Action

Distribute to Members of Your Command

Comments:



JERSEY CITY POLICE DEPARTMENT

OFFICE OF THE DIRECTOR

8 Erie Street – Jersey City, NJ 07302
Office # (201) -547-5300 – Fax # (201) 547-4283

Memorandum

Date: June 22, 2010

To: Thomas Comey, Chief of Police

From: Samuel Jefferson, Director of Police

Subject: Proposed Franchise Ordinance
Petitioner: 222-224 First Street LLC

A handwritten signature in black ink, appearing to be "SJ", written over a horizontal line.

Please see the attached memo for your review and action.

SJ/do
Cc: file

CITY OF
JERSEY CITY
Department of Public Works

JERRAMIAH HEALY
Mayor
RODNEY W. HADLEY
Director



575 Route 440
Jersey City, NJ 07305
(201) 547-4400
Fax: (201) 547-5264

June 22, 2010

Tolonda Griffin – Ross, Deputy City Clerk
City Hall, City of Jersey City
280 Grove Street
Jersey City, NJ 07302

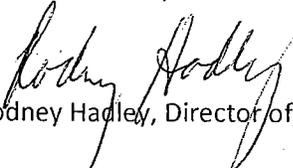
RE: Proposed Franchise Ordinance

Petitioner: 222-224 First Street, LLC

Please be advised that after careful review by this office we see no issue with this request to grant a franchise ordinance.

Please do not hesitate to give me a call with any problems or questions regarding this decision.

Thanks so much,


Rodney Hadley, Director of Public Works

RECEIVED
2010 JUN 23 A 9:43
CITY OF JERSEY CITY
CLERK OF CITY

CITY OF JERSEY CITY

INTERDEPARTMENTAL MEMORANDUM

OFFICE OF RISK MANAGEMENT

PHONE 201-547-5034

FAX 201-547-4761

Franchise Ordinance: 222-224 First Street LLC

The insurance requirements, as requested in the reference, are:

(A) General Liability Insurance Requirements:

- () No insurance required*
- (X) Comprehensive General Liability Insurance, including*
 - () a Contractual Liability Endorsement*
 - (x) the inclusion of the City of Jersey City as Additional Insured*
 - () the Immunity Clause*
 - () A Broad Form Property Damage Endorsement*
 - () other:*
 - (x) Liability limits for the above: \$2.0 million combined single limit per occurrence for bodily injury and property damage liability.*
 - () Comprehensive Automobile Liability covering owned, non-owned and hired vehicles, as applicable. \$ million combined single limit per accident for bodily injury and property damage liability.*

(b) Property Damage Insurance Requirements:

- () Real Property to be insured at 100% of Replacement Cost covering All Risks of physical loss or damage including Flood and Earthquake. The City of Jersey City shall be included as a Named Insured, and the policy shall be endorsed to include losses adjusted with, and payable to, the City of Jersey City.*
- () Builders' Risk Insurance (All Risk coverage) on a completed value form covering new construction, or existing property, and new construction covered under one form until construction is completed.*

(c) Special Instructions:

- () The above insurance requirements are preliminary requirements pending Risk Management's review of the draft agreement from originating department. Risk Management must receive a copy of the final draft agreement and the executed agreement in order to advise of the insurance submitted is in proper order.*

INTERDEPARTMENTAL MEMORANDUM
OFFICE OF THE ASSESSOR
(201) 547-5131

DATE: June 24, 2010
TO: Tolanda Griffin-Ross, Deputy City Clerk
FROM: Ed Toloza, Assessor
SUBJECT: **Proposed Franchise Ordinance**
222-224 First Street LLC
Block 243 Lot 41 (Formerly 12 & 13)
A/k/a 222 First Street

I have reviewed the above subject Proposed Franchise Ordinance and find that the contemplated construction of the stoop and landscaping will advance the public interest. Therefore, this Office recommends adoption.

RECEIVED
2010 JUN 25 A 9:41
OFFICE OF THE ASSESSOR
CITY OF NEW JERSEY

Tolonda Griffin-Ross

From: Postmaster@jcnj.org
Sent: Tuesday, June 22, 2010 9:46 AM
To: Tolonda Griffin-Ross; Tolonda.PALPO.PALDOM@jcnj.org
Subject: Proposed Franchise Ordinance

Hi Tolanda

Regarding the Proposed Franchise Ordinance for 222-224 First Street LLC, be advised that the Tax Collector' 's Office has no objection.

If you need any additional information, please do not hesitate to contact this office.

Lorraine

***Lorraine Cecchini
Tax Collector's Office
City Hall-Room 101
201-547-5032
201-547-5120***

Tolonda Griffin-Ross

From: Raymond Reddington
Sent: Wednesday, July 06, 2011 12:13 PM
To: Tolonda Griffin-Ross
Subject: 222-224 First St. Franchise Ordinance
Attachments: FO 222-224 First.TIF; Sept 21 e-mail.TIF

Section 2 needs to be replaced with the language that's in my Sept 21st e-mail that's attached.

NOTICE: The contents of this message, together with any attachments, are intended only for the use of the individual or entity to which they are addressed and contain information that is legally privileged, confidential and exempt from disclosure. If you are not the intended recipient, you are hereby notified that any review, use, transmission, conversion to hard copy, dissemination, distribution, or copying of this message, or any attachments, is strictly prohibited. If you have received this message in error, please notify the original sender by email or telephone (201) 547-5229 and immediately delete this message, along with any attachments, from your computer. Thank you.

JON P. CAMPBELL
ATTORNEY AT LAW OF NEW JERSEY
317 Belleville Avenue
Bloomfield, New Jersey 07003
Phone: 973-818-7792 Fax: 973-575-5367
jonpcampbell@hotmail.com

June 7, 2011

Honorable City Clerk of the City of Jersey City
City Hall – 280 Grove Street
Jersey City, New Jersey 07302
Attn: Tolonda Griffin-Ross, Deputy City Clerk

Re: Franchise Ordinance
222-224 First Street
Block 243 Lots 12 & 13

Dear Ms. Griffin-Ross,

Attached please find an amended Petition, Ordinance, and Exhibit A in the above referenced matter. These amendments are the result of ongoing discussions between the architect, Minervini Vandermark, and Chuck Lee of Engineering. Mr. Lee has approved the amendments. Both Claire Davis of Zoning and Dan Wrieden of Historic have also reviewed these changes. At this point they have not voiced any objections.

Mr. Lee has requested revised documents in support of these amendments and such documents have been forwarded to him. The revised documents that Mr. Wrieden has requested are being prepared and should be forwarded to him by the end of this week.

Please advise as to a date, time and place for the caucus meeting.

Thank you for your assistance.

Sincerely,

Jon Campbell

Enclosures

City Clerk File No. Ord.
Agenda No. 1st Reading
Agenda No. 2nd Reading

ORDINANCE
OF
JERSEY CITY, NEW JERSEY

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

AN ORDINANCE GRANTING PERMISSION TO 222-224 FIRST STREET LLC., ITS SUCCESSORS AND ASSIGNS, TO CONSTRUCT AND INSTALL AN ENTRY PORCH, STAIRS, FENCING AND LANDSCAPING APPROXIMATELY 40 FEET IN LENGTH AND 7 FEET IN DEPTH ALONG THE PUBLIC RIGHT OF WAY OF FIRST STREET ADJACENT TO BLOCK 243, LOTS 12 & 13, IN ACCORD WITH THE REVISED SITE PLAN AS SUBMITTED IN THE ATTACHED EXHIBIT "A".

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

WHEREAS, Petitioner is the owner of real property in Jersey City known as: 222-224 First Street, Block 243, Lots 12 and 13, and

WHEREAS, Petitioner has filed a petition with the Municipal Council of Jersey City, requesting a franchise as shown on a Site Plan prepared by Minervini Vandermark Architects, (hereinafter referred to as Exhibit "A"), said Petition and Site Plan being on file with the Office of the City Clerk, requesting a franchise giving permission to use an area of approximately 40 feet in length and 7 feet in depth of the public right of way of First Street as and for the construction and installation of an entry porch, stairs, fencing and landscaping as depicted on Exhibit "A", and

WHEREAS, the public interest will be served by this franchise as it will advance the public safety and welfare, and

WHEREAS, the use of the area in question is consistent with the adjacent buildings, the Petitioner requests that this ordinance be adopted, and

WHEREAS, 222-224 First Street, LLC., its successors and assigns, has made application to the Municipal Council of Jersey City by written Petition for the franchise herein referred to:

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

SECTION 1: Permission is hereby granted to 222-224 First Street, LLC., its successors and assigns to construct and install an entry porch, stairs, fencing and landscaping as depicted on Exhibit "A" and in accord with the approved revised Site Plan adopted by the Jersey City Zoning Board of Adjustment.

SECTION 2: This Ordinance shall remain in full force and effect for a period of ninety-nine (99) years. However, in the event that this building and all the buildings on the block on which the subject site lays should be demolished, thereby enabling all new construction to establish a uniform front setback which complies with the then effective set back regulations, the City of Jersey City reserves the right to cancel this Ordinance by giving written notice to the Petitioner of the cancellation of this franchise and the requirement that such new construction adhere to the zoning ordinance.

SECTION 3: Only with prior written consent and approval by the City Council of the City of Jersey City, which consent and approval shall not be unreasonably withheld, shall Petitioner have the right to assign or otherwise transfer its rights under this Franchise Ordinance.

SECTION 4: In accepting the privileges of this ordinance and the installation, maintenance and use hereby authorized, 222-224 First Street, LLC., its successors and assigns, hereby agree to assume full, complete, and undivided responsibility for any and all injury or damage to persons or property by reason of said installations, maintenance and use and to indemnify and hold the City of Jersey City harmless from all injury or damage to persons or property by reason of such installation, maintenance and use for the term of this ordinance.

- A) 222-224 First Street, LLC., its successors and assigns shall maintain in effect, during the term of this franchise, liability insurance naming the City of Jersey City, its officers and employees as insureds, covering the use and occupancy of the franchised portion of First Street. A Certificate of the Insurance, in the amount of \$1,000,000.00 in a form deemed acceptable by the City's Risk Manager, shall be delivered to the Risk Manager before use or occupancy of the premises subject to the Franchise Ordinance.

SECTION 5: All work herein authorized shall be done under the supervision of the proper department or departments of the City of Jersey City. Further, all the work herein authorized shall comply with any State of New Jersey Uniform Construction Code requirements. After construction, there shall remain no damage to the area or interference with the free and safe flow of pedestrian traffic. The Petitioner, and its successor or assigns, shall maintain all improvements installed by it for the entire term of this franchise at no cost to the City.

SECTION 6: The costs and expenses incidental to the introduction, passage and publication of this Ordinance shall be paid by the Petitioner.

SECTION 7: The Ordinance shall not become effective unless an acceptance hereof in writing be filed by the Petitioner.

SECTION 8: In the event that the Petitioner shall not file with the City Clerk its acceptance, in writing, of the provisions of this Ordinance within thirty (30) days after receiving notice of its passage, this Ordinance shall become void and be of no effect.

SECTION 9: For the Franchise herein granted, the Petitioner shall pay annually to the City of Jersey City the sum of ONE DOLLAR (\$1.00), which payment shall be made in advance to the City Finance Director, at his/her office at City Hall, on the first day of January in each year after this Ordinance becomes effective and remains in force.

SECTION 10: This Franchise Ordinance shall be subject to the following conditions:

- a) An easement upon the portion of the Property subject to this Franchise Ordinance is hereby reserved for the benefit of the City of Jersey City and all public utility companies for the purpose of operating, maintaining, inspecting, protecting, repairing, replacing or reconstructing any existing water, sewer or utility lines together with the right of ingress and egress at all times for such purposes and all other purposes in connection with or in any way relating to the City of Jersey City's or public utility companies', use or operation of water, sewer or utility lines.
- b) No building or structure of any kind may be constructed over the water or sewer utilities within the area subject to this franchise without the consent of the Chief Engineer of the City of Jersey City.
- c) The Petitioner shall install the porch and landscaping in accord with the approved Site Plan.
- d) All inconsistent Ordinances and parts of Ordinances are hereby repealed.
- e) 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.
- f) This Ordinance shall take effect at the time and in the manner provided by law.
- g) The City Clerk and the Corporation Counsel are 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 repeal of the existing provisions.

PETITION FOR FRANCHISE ORDINANCE

TO: THE HONORABLE MAYOR AND MUNICIPAL COUNCIL
OF THE CITY OF JERSEY CITY, NEW JERSEY

Your petitioner, 222-224 FIRST STREET, LLC., a corporation of the State of New Jersey, its successors and assigns, having offices located at: c/o Doppelt, Suite 502, 408 Main Street, in the City of Boonton, County of Morris, and State of New Jersey, 07005, respectfully says that:

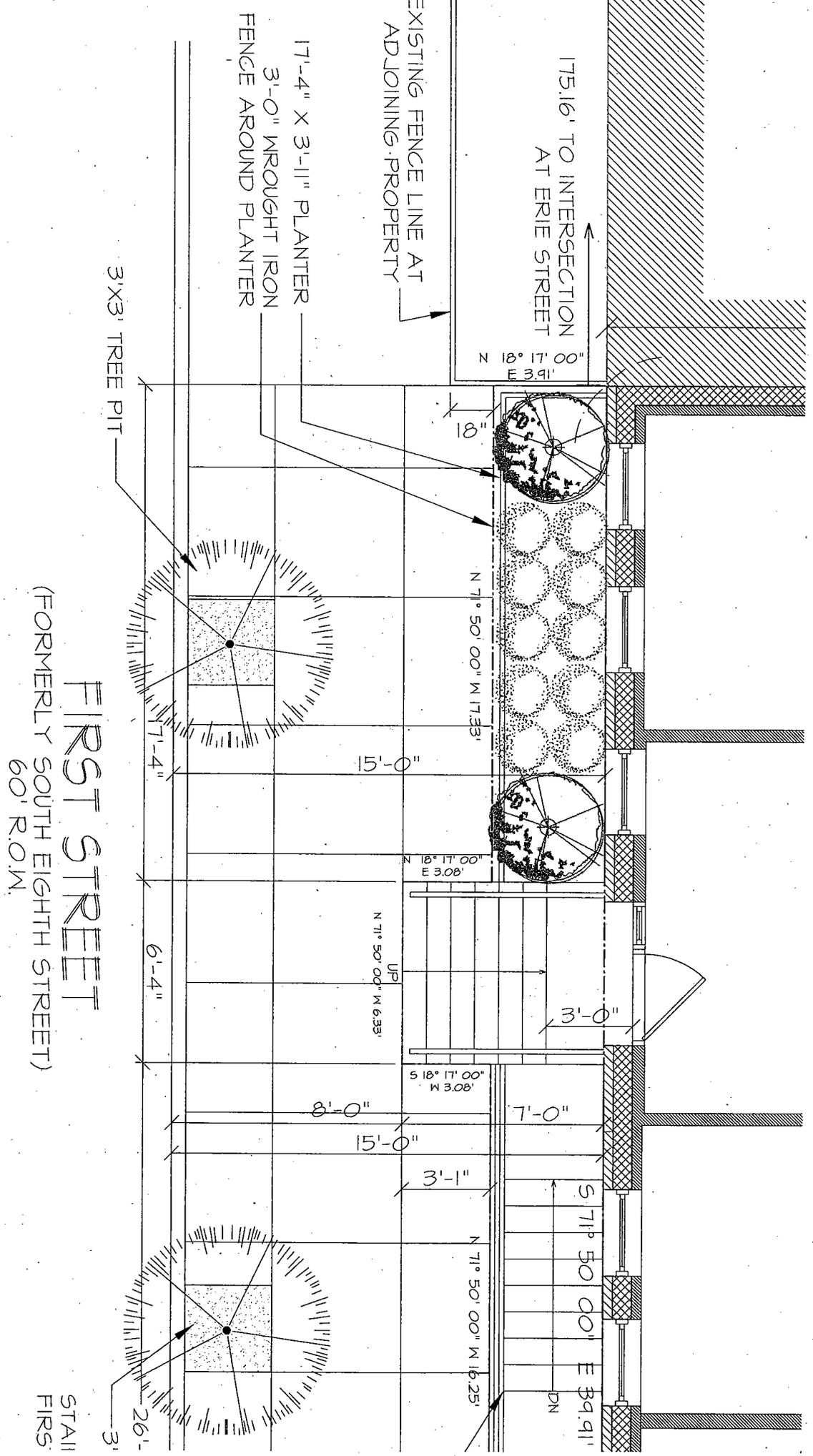
1. The petitioner is the owner of real property in Jersey City known as:
222-224 First Street, Block 243, Lots 12 & 13
2. The lot is presently occupied by a dilapidated residential building which is to be replaced by new construction.
3. The subject site is in the Harsimus Cove Historic Zoning District and the petitioner proposes to construct on the site an eight unit residential building.
4. The petitioner has received approvals for Site Plan and Variances from the Jersey City Zoning Board of Adjustment.
5. In order to enhance the aesthetics of the area and the proposed building, Petitioner proposes to provide an appropriate front setback for the front stoop, along with appropriate fencing and landscaping, requiring Petitioner to seek a franchise ordinance from the City of Jersey City.
6. The proposed improvements to the public Right-of-way requiring a franchise were recommended by the Jersey City Historic Preservation Commission and Zoning Board of Adjustment approval was conditioned on application for a franchise in order to construct the recommended improvements.

WHEREFORE, Petitioner respectfully prays for itself, its successors and assigns, permission by virtue of a Franchise Ordinance to be adopted by the City Council of the City of Jersey City, to construct the stoop and fencing and to install landscaping in the right of way of First Street, in accord with the approved revised Site Plan.

222-224 FIRST STREET, LLC

By: _____
Jon P. Campbell, Agent

EXHIBIT A



City Clerk File No. Ord. 11-078

Agenda No. 3.B 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 11-078

TITLE: AN ORDINANCE SUPPLEMENTING CHAPTER 332(VEHICLES AND TRAFFIC)
ARTICLE III(PARKING, STANDING AND STOPPING) OF THE JERSEY CITY CODE
AMENDING SECTION 332-24(PARKING PROHIBITED CERTAIN HOURS)
DESIGNATING 188 FEET ON THE WEST SIDE OF VAN HORNE STREET, AT THE
LAFAYETTE POOL, AS NO PARKING DAILY, 7:00 A.M. TO 10:00 P.M., JUNE
THROUGH AUGUST

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

1. Chapter 332 (Vehicles and Traffic) Article III (Parking, Standing and Stopping) of the Jersey City Code is hereby supplemented as follows:

Section 332-24 PARKING PROHIBITED CERTAIN HOURS

No person shall park a vehicle between the hours specified upon any of the streets or parts thereof listed below.

Name of Street	Side	Days of Week	Hours	Limits
<u>Van Horne Street</u>	<u>West</u>	<u>Daily</u> <u>June through</u> <u>August</u>	<u>7:00 a.m. to</u> <u>10:00 p.m.</u>	<u>61 feet south of Johnston Avenue 188 feet south</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:pc1
(06.29.11)

APPROVED: Stanley Huang for JCD
Director of Traffic & Transportation

APPROVED: [Signature] 6/30/11
Municipal Engineer

APPROVED AS TO LEGAL FORM

[Signature]
Corporation Counsel

APPROVED: Rodney Harty 7/1/11
Director, Dept. of Public Works

APPROVED: [Signature]
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 III(Parking, Standing and Stopping) of the Jersey City Code amending Section 332-24(Parking Prohibited During Certain Hours) designating 188 feet on the west side of Van Horne Street, at the Lafayette Pool, as No Parking Daily, 7:00 a.m. to 10:00 p.m., June through August

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

Joao D'Souza, Director of Traffic & Transportation, Division of Engineering, Traffic and Transportation, Department of Public Works at the request of Director of Public Works Rodney Hadley.

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

Clear 188 feet at the entrance to the Lafayette Pool on the west side of Van Horne Street between Johnston Avenue and Maple Street with no parking, Daily, 7:00 a.m. to 10:00 p.m., June through August

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

Clear the entrance to the Lafayette Pool to allow for buses to discharge and pick up individuals going to the pool and provide an area for emergency vehicles that may be called to the facility.

5. Anticipated benefits to the community:

Increased pedestrian and traffic safety

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, \$800.00, (4 channels & 4 signs required)

7. Date proposed program, or project will commence:

Pending adoption by the Jersey City Municipal Council

8. Anticipated completion date:

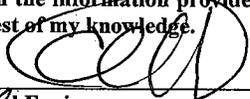
Twenty days after adoption by the Jersey City Municipal Council

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

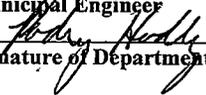
Patricia Logan, Supervising Traffic Investigator, Division of Engineering, Traffic and Transportation

10. Additional comments:

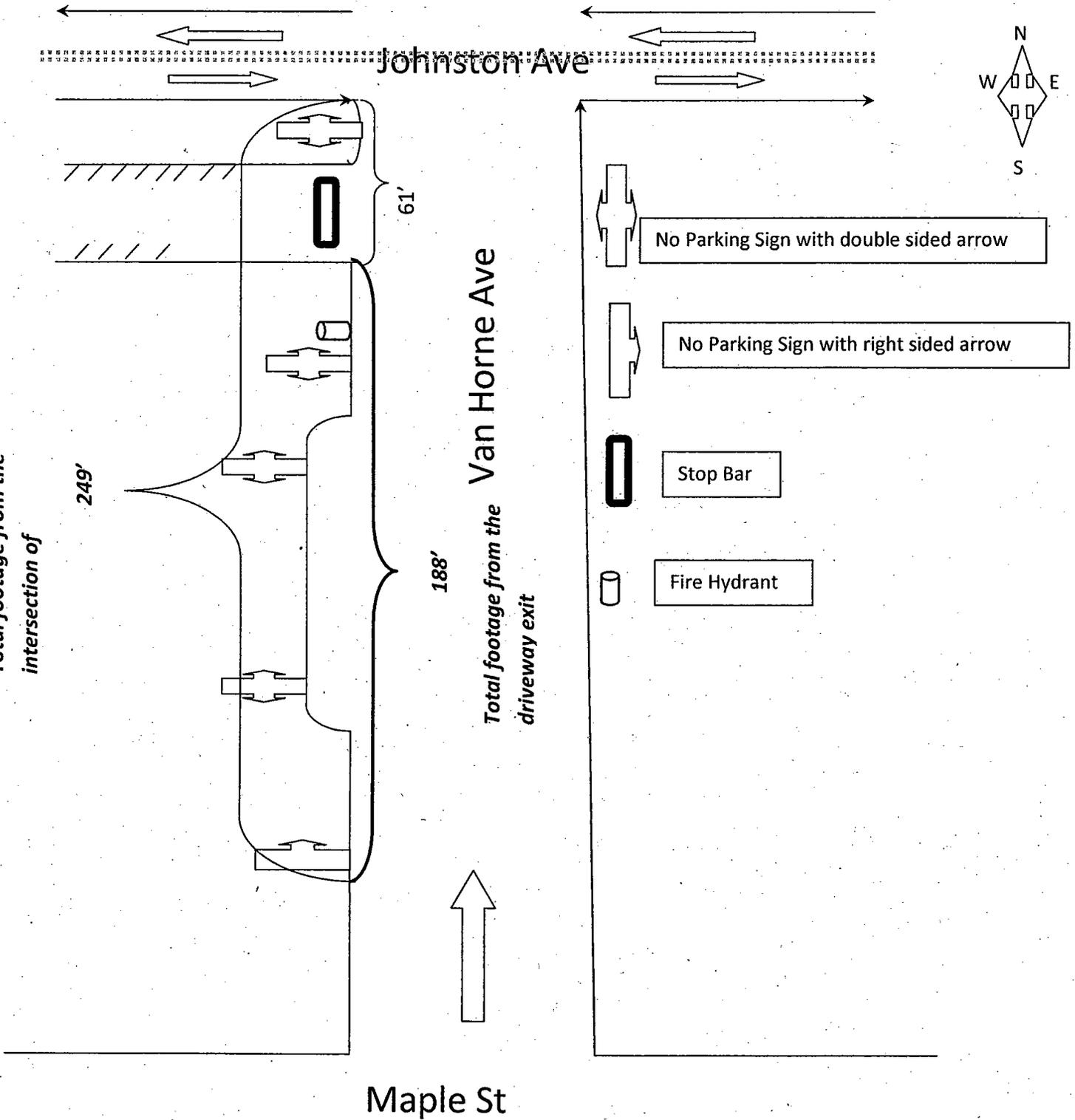
Based on the information provided to me, I certify that all the facts presented herein are accurate, to the best of my knowledge.


Municipal Engineer

6/30/11
Date


Signature of Department Director

7/1/11
Date



On the west side of Van Horne Ave beginning at 61'ft south of Johnston Ave and extending 188'ft southerly

City Clerk File No. _____ Ord. 11-079

Agenda No. _____ 3.C _____ 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 11-079

TITLE: **An Ordinance Dedicating That Monmouth Street
From York Street to Montgomery Street Also Be Known as
JAIME VAZQUEZ WAY**

WHEREAS, Jaime Vazquez, was born in Cayey, Puerto Rico on June 18, 1949 to Ada 'nee Rolon' and Zoilo Vazquez. At the age of three **Jaime Vazquez** moved to Jersey City and has since been a proud resident of his adopted home; and

WHEREAS, Jaime Vazquez, attended P.S. #8 before moving downtown and graduating from P.S. #9 in 1964. **Jaime** attended Ferris High School before enlisting in the United States Marine Corps in 1966, earning a General Education Development (GED) diploma during his service; and

WHEREAS, Jaime Vazquez was deployed to Vietnam in October of 1967 and spent seven months on the front lines before being seriously injured suffering multiple shrapnel wounds which resulted in an extended stay at the U.S. Naval Hospital in Guam. After this, **Jaime** returned to the front line in Vietnam; and

WHEREAS, Jaime Vazquez, earned a Purple Heart, a Presidential Unit Citation, a Combat Action Ribbon, Vietnamese Cross of Gallantry and numerous other military awards **Jaime Vazquez** was honorably discharged on August 8, 1969 having earned the rank of Sergeant; and

WHEREAS, upon his return from service **Jaime Vazquez** enrolled in St. Peter's College and graduated with a degree in Urban Studies. It was during these years that a young activist was born. **Jaime** saw a need for a Hispanic ombudsman to City Hall and soon was counseling families new to Jersey City to learn how to adapt and assimilate in their adopted homeland; and

WHEREAS, Jaime Vazquez, was hired by Mayor Paul Jordan to work with the Mayor's Council Drug Abuse at the Jersey City Medical Center and worked thereafter at the Patrick House Drug Treatment Facility; and

WHEREAS, Jaime Vazquez entered the political arena shortly thereafter, losing two elections before being elected in 1985 to the Ward E Council seat on the Anthony Cucci mayoral ticket. A champion of the poor and unserved communities of our city **Jaime**, although he was a ward council representative, would see all of the people who came to the city council office seeking assistance. After 12 years of full-time service on the Council, he never made more than twenty thousand dollars a year. In 1997, he ran for Mayor and although he was unsuccessful, he became Deputy Mayor under the administration of Mayor Bret Schundler; and

WHEREAS, Jaime Vazquez, left a huge legacy of important legislation during his tenure on the Council. He was the primary author of the Living Wage Ordinance, the deciding vote to save the Loew's Theatre and the primary author of the first WALDO ordinance and was also instrumental in securing the funding and location of the new Jersey City Medical Center; and

WHEREAS, Jaime Vazquez, is a family man, he is the proud father of Cynthia, Jaime and Anthony. His children have blessed him with six grandchildren; Israel, Isaiah, Sage, Christian Melissa and Aidan. Jaime is the loving brother of Carlos, Jose, Linda, Raymond, Zaida and Ricky; and

WHEREAS, Jaime Vazquez, is a member of the Vietnam Veterans Memorial Commission, the Military Order of the Purple Heart and the Vietnam Veterans of America. During his years on the Council, **Jaime** served as a United Nations Non-Government Organization representative fostering peace, international affairs and business exchange; and;

An Ordinance Dedicating That Monmouth Street From York Street to Montgomery Street Also Be Known as Jaime Vazquez Way

WHEREAS, while in Cuzco, Peru in December 1988, one of eight sister city relationships he helped create, **Jaime Vazquez** survived the horrific accident that claimed the lives of the first ladies of Jersey City and Cuzco, Peru. He and Mayor Anthony Cucci were fortunate to have survived that tragedy; and

WHEREAS, **Jaime Vazquez**, has spent his entire adult life trying to make the City of Jersey City a better place for all who live in and visit this great town.

NOW, THEREFORE, BE IT ORDAINED that the Municipal Council of the City of Jersey City does hereby dedicate that Monmouth Street from York Street to Montgomery Street be also known as **Jaime Vazquez Way**.

- A. All ordinances and parts of ordinances herewith are hereby repealed.
- B. This ordinance shall be a part of the Jersey City Code as through codified and fully set forth therein. The City shall have the 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.

APPROVED AS TO LEGAL FORM

APPROVED: _____

Corporation Counsel

APPROVED: _____
Business Administrator

Certification Required
Not Required

City Clerk File No. Ord. 11-080

Agenda No. 3.D 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 11-080

TITLE: **Ordinance dedicating that the waterfront walkway between
Sussex Street and the Southern Terminus also be known as
"Spc. Marlon P. Jackson Walk"**

WHEREAS, Marlon P. Jackson was born in Mandeville, Jamaica. He was adopted by Leighton Jackson and Lois LaGrenade. Marlon attended lived in Jersey City, NJ. Jackson loved basketball. He enjoyed deejaying at parties and was a reggae connoisseur. Marlon regularly attended St. Aedan's Church. After graduating from Hudson Catholic High School in 1997, he attended Hudson County Community College majoring in political science. In 1999, Marlon enlisted in the United States Army; and

WHEREAS, after doing basic training at Missouri's Fort Leonard Wood and service at Hawaii's Schofield Army Base, Jackson was deployed to Viiseck, Germany. During his breaks before shipping off to Europe, Jackson would return to Jersey City and seek out Vanessa Selby and her similarly aged children, Khalia and Kajbir. Marlon met the Selbys during his childhood and slowly became part of the Selby family; and

WHEREAS, Spc. Jackson, a combat engineer for the A Company in the 94th Engineer Battalion of the 130th Engineer Brigade spent some time Kuwait before being deployed to Iraq in February 2003. In a letter he sent home, written in April from Baghdad, Jackson had a modest request: he wanted newspaper clippings reporting on the NBA playoffs, and a few issues of Source and Vibe magazines; and

WHEREAS, on November 11, 2003, Veterans Day, Spc. Marlon Jackson, died from injuries he sustained when a roadside bomb exploded on a roadside outside the Iraqi capital, Baghdad; and

WHEREAS, it was almost a full week before his parents and the Selbys were notified that he had been killed. Jackson had given the Army Vanessa Selby's address because he had been staying with her and her family, in Jersey City during his leaves since joining the army in 1999. His father now lives in Barbados, where he teaches law school. His mother, a doctor, lives in Chevy Chase, Maryland; and

WHEREAS, the Jersey City soldier was honorably laid to rest on November 23, 2005.

NOW, THEREFORE BE IT ORDAINED, that the Municipal Council of the City of Jersey City deems it fitting and most appropriate to preserve the memory of Army Specialist Marlon P. Jackson by dedicating that the waterfront walkway between Sussex Street and the southern terminus also be known as "SPC Marlon P. Jackson Walk." He will continue to be remembered for his bravery and sacrifice in support of America and Operation Iraqi Freedom.

- A. All ordinances and parts of ordinances herewith are hereby repealed.
- B. This ordinance shall be a part of the Jersey City Code as through codified and fully set forth therein. The City shall have the 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.

G:\WPDOCS\YOLONDA\RESOS\RENAME\Christ the King Church Way.wpd

APPROVED AS TO LEGAL FORM

APPROVED: _____

Corporation Counsel

APPROVED: _____
Business Administrator

Certification Required

Not Required

City Clerk File No. Ord. 11-081

Agenda No. 3.E 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 11-081

TITLE: AN ORDINANCE APPROVING A FIVE (5) YEAR TAX EXEMPTION PURSUANT TO THE PROVISIONS OF N.J.S.A. 40A:21-1, ET SEQ., AND SECTION 304-9 OF THE MUNICIPAL CODE FOR PROPERTY DESIGNATED AS BLOCK 1297.5, LOTS 66, 67, 68 AND 69.A (TO BE CHANGED AND DESIGNATED AS LOT 75), ON THE CITY'S TAX MAP AND MORE COMMONLY KNOWN BY THE STREET ADDRESS OF 319 GRANT AVENUE

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

WHEREAS, the City of Jersey City as an area in need of rehabilitation, is authorized to adopt an ordinance to utilize tax exemptions pursuant to N.J.S.A. 40A:21-1, et seq., the Five (5) Year Exemption and Abatement Law; and

WHEREAS, pursuant to N.J.S.A. 40A:21-1 et seq., the City of Jersey City adopted Ordinance 05-060 (Section 304-1 et seq. of the Municipal Code), and as amended by Ordinance 07-146, to allow Five (5) Year Tax Exemptions which allows the Tax Assessor to regard the full and true value or a portion thereof of certain improvements as not increasing the full and true value of certain property for a period of five (5) years, provided the owner's application is approved by the Tax Assessor and by Ordinance of the Municipal Council; and

WHEREAS, pursuant to N.J.S.A. 40A:21-9 and Section 304-12 of the Municipal Code, a tax exemption for a newly constructed multiple dwelling, is permitted for a period of five (5) years; and

WHEREAS, Grant Avenue 319, LLC, is the owner of a newly constructed six (6) story building with 27 apartment units and 22 indoor parking spaces, located in Block 1297.5, Lots 66, 67, 68 and 69.A (to be changed and designated as Lot 75) on the City's Tax Map and more commonly known by the street address of 319 Grant Avenue, Jersey City, N.J.; and

WHEREAS, the Tax Assessor has certified that Grant Avenue 319, LLC, substantially completed the improvements and received a Certificate of Occupancy on May 15, 2011; and

WHEREAS, on May 10, 2011, within 30 days of substantial completion, the owner filed an application to tax exempt the newly constructed multiple dwelling six (6) story building, a copy of which application is attached hereto; and

WHEREAS, as determined by the assessor on October 1st of the year following completion, the owner proposes to pay the City (in addition to the full taxes on the land, which shall continue to be conventionally assessed and taxed) a tax payment for the new improvements on the property, as follows:

- (a) 2011: the tax year in which the structure will be completed. \$0 taxes;
- (b) 2012: the second tax year, 39% of actual full taxes, estimated to be \$19,874;
- (c) 2013: the third tax year, 59% of actual full taxes, estimated to be \$30,069;
- (d) 2014: the fourth tax year, 79% of actual full taxes, estimated to be \$40,265; and

AN ORDINANCE APPROVING A FIVE (5) YEAR TAX EXEMPTION PURSUANT TO THE PROVISIONS OF N.J.S.A. 40A:21-1, ET SEQ., AND SECTION 304-9 OF THE MUNICIPAL CODE FOR PROPERTY DESIGNATED AS BLOCK 1297.5, LOTS 66, 67, 68 AND 69.A (TO BE CHANGED AND DESIGNATED AS LOT 75), ON THE CITY'S TAX MAP AND MORE COMMONLY KNOWN BY THE STREET ADDRESS OF 319 GRANT AVENUE

(e) 2015: the fifth tax year, 80% of actual full taxes, estimated to be \$40,769;

WHEREAS, the applicant has agreed that in the event the revalue results in a decrease in the amount of actual taxes otherwise due for purposes of calculating a tax payment hereunder and for the five (5) year period, the amount shall be calculated on the higher of the amount estimated hereunder or the actual taxes otherwise due; and

WHEREAS, the Tax Assessor has determined that the full and true value of the new improvements will generate an additional tax payment of \$166,508 a year upon completion; and

WHEREAS, the application for tax exemption was complete and timely filed with and approved by the Tax Assessor; and the newly constructed multiple dwelling and commercial space are eligible for tax exemption pursuant to N.J.S.A. 40A:21-9 and Section 304-12 of the Municipal Code.

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

1. The application, attached hereto, for a five (5) year tax exemption for the full and true value of the newly constructed a six (6) story building with 27 apartment units and 22 indoor parking spaces, located in Block 1297.5, Lots 66, 67, 68 and 69.A (to be changed and designated as Lot 75), and more commonly known by the street address of 319 Grant Avenue, Jersey City, N.J., is hereby approved.

2. The Mayor or Business Administrator is hereby authorized to execute a tax exemption agreement which shall contain at a minimum, the following terms and conditions:

- (a) tax payment on the new improvements shall be:
 - (i) Year 1: the tax year in which the structure will be completed. \$0 taxes;
 - (ii) Year 2: the second tax year, 39% of actual full taxes, estimated to be \$19,874;
 - (iii) Year 3: the third tax year, 59% of actual full taxes, estimated to be \$30,069;
 - (iv) Year 4: the fourth tax year, 79% of actual full taxes, estimated to be \$40,265; and
 - (v) Year 5: the fifth tax year, 80% of actual full taxes, estimated to be \$40,769.

The applicant has agreed that in the event the revalue results in a decrease in the amount of actual taxes otherwise due for purposes of calculating a tax payment hereunder and for the five (5) year period, the amount shall be calculated on the higher of the amount estimated hereunder or the actual taxes otherwise due; and

(b) The project shall be subject to all federal, state and local laws, and regulations on pollution control, worker safety, discrimination in employment, zoning, planning, and building code requirements pursuant to N.J.S.A. 40A:21-11(b).

(c) If, during any tax year prior to the termination of the tax agreement, the property owner ceases to operate or disposes of the property, or fails to meet the conditions for qualifying, then the tax which would have otherwise been payable for each tax year shall become due and payable from the property owner as if no exemption and abatement had been granted. The tax collector shall, within 15 days thereof, notify the owner of the property of the amount of taxes due.

(d) With respect to the disposal of the property, where it is determined that the new owner of the property will continue to use the property pursuant to the conditions which qualified the property, no tax shall be due, the exemption shall continue, and the agreement shall remain in effect.

AN ORDINANCE APPROVING A FIVE (5) YEAR TAX EXEMPTION PURSUANT TO THE PROVISIONS OF N.J.S.A. 40A:21-1, ET SEQ., AND SECTION 304-9 OF THE MUNICIPAL CODE FOR PROPERTY DESIGNATED AS BLOCK 1297.5, LOTS 66, 67, 68 AND 69.A (TO BE CHANGED AND DESIGNATED AS LOT 75), ON THE CITY'S TAX MAP AND MORE COMMONLY KNOWN BY THE STREET ADDRESS OF 319 GRANT AVENUE

(e) At the termination of a tax exemption agreement, the new improvements shall be subject to all applicable real property taxes as provided by State law and regulation and local ordinance; but nothing herein shall prohibit a project, at the termination of an agreement, from qualifying for, an receiving the full benefits of, any other tax preferences provided by law.

3. The form of tax exemption agreement is attached hereto as Exhibit B, subject to such modification as the Corporation counsel or Business Administrator deems necessary.

4. The Tax Assessor shall send a copy of the fully executed Financial Agreement will be sent to the Director of the Division of Local Government Services in the Department of Community Affairs within thirty (30) days of execution pursuant to N.J.S.A. 40a:21-11(d).

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

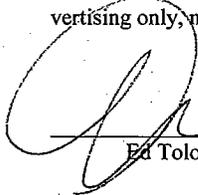
B. This ordinance shall be part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.

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

D. 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
7/13/11


Ed Toloza, Tax Assessor

APPROVED AS TO LEGAL FORM

APPROVED: _____

Corporation Counsel

APPROVED: _____
Business Administrator

Certification Required

Not Required

City Clerk File No. _____ Ord. 11-082

Agenda No. _____ 3.F _____ 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 11-082

TITLE: AN ORDINANCE 1) RESCINDING ORDINANCE 05-002, WHICH APPROVED A LONG TERM TAX EXEMPTION FOR JERSEY AVENUE 833 URBAN RENEWAL COMPANY, LLC, AND 2) APPROVING A FIVE (5) YEAR TAX EXEMPTION PURSUANT TO THE PROVISIONS OF N.J.S.A. 40A:2-1, ET SEQ., AND SECTION 304-9 OF THE MUNICIPAL CODE FOR PROPERTY DESIGNATED AS BLOCK 330, LOT 10, ON THE CITY'S TAX MAP AND MORE COMMONLY KNOWN BY THE STREET ADDRESS OF 837 JERSEY AVENUE

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

WHEREAS, by the adoption of Ordinance 05-002 on January 26, 2005, the City of Jersey City approved a Long Term Tax Exemption for Jersey Avenue 833 Urban Renewal Company, LLC, on property located within Block 330, Lot 10 (formerly known as Block 330, Lots 1, 2, 3, 4, 5 and 3C), and more commonly known as 833 Jersey Avenue; and

WHEREAS, Jersey Avenue 833 Urban Renewal Company, LLC, proposed to construct a seven (7) story building, to contain eighty-four (84) market rate residential condominium units and eighty-four (84) internal parking spaces, partially underground; and

WHEREAS, as a result of the rising market for residential rental housing, Jersey Avenue 833 Urban Renewal Company, LLC, has applied to rescind its long term tax abatement and terminate the project and apply for a five (5) year tax exemption pursuant to N.J.S.A. 40A:21-1, et seq., the Five (5) Year Exemption and Abatement Law; and

WHEREAS, pursuant to N.J.S.A. 40A:21-1 et seq., the City of Jersey City adopted Ordinance 05-060 (Section 304-1 et seq. of the Municipal Code) and as amended by Ordinance 07-146, to allow Five (5) Year Tax Exemptions which allows the Tax Assessor to regard the full and true value or a portion thereof of certain improvements as not increasing the full and true value of certain property for a period of five (5) years, provided the owner's application is approved by the Tax Assessor and by Ordinance of the Municipal Council; and

WHEREAS, pursuant to N.J.S.A. 40A:21-9 and Section 304-12 of the Municipal Code, a tax exemption, which includes for a newly constructed commercial and multiple dwellings, is permitted for a period of five (5) years; and

WHEREAS, 837 Jersey Avenue, LLC [Owner] proposes to construct a new seven (7) story building to contain total of approximately one hundred fifty-five (155) market rate residential rental units, one hundred seventy-five (175) on-site parking spaces and approximately over 12,000 square feet of commercial ground level retail, located in Block 330, Lot 10, on the City's Tax Map and more commonly known by the street address of 837 Jersey Avenue [formerly known as 833 Jersey Avenue], Jersey City, N.J.; and

AN ORDINANCE 1) RESCINDING ORDINANCE 05-002, WHICH APPROVED A LONG TERM TAX EXEMPTION FOR JERSEY AVENUE 833 URBAN RENEWAL COMPANY, LLC, AND 2) APPROVING A FIVE (5) YEAR TAX EXEMPTION PURSUANT TO THE PROVISIONS OF N.J.S.A. 40A:2-1, ET SEQ., AND SECTION 304-9 OF THE MUNICIPAL CODE FOR PROPERTY DESIGNATED AS BLOCK 330, LOT 10, ON THE CITY'S TAX MAP AND MORE COMMONLY KNOWN BY THE STREET ADDRESS OF 837 JERSEY AVENUE

WHEREAS, on May 23, 2011, the owner filed an application for a five (5) year tax exemption for the new mixed use project, a copy of which application is attached hereto; and

WHEREAS, as determined by the assessor, on October 1st of the year following completion, the owner proposes to pay the City (in addition to the full taxes on the land, which shall continue to be conventionally assessed and taxed) a tax payment for the new improvements on the property, as follows:

- (a) 2013; the tax year in which the structure will be completed; \$32,105 taxes;
- (b) 2014; the second tax year: 39% of actual full taxes, estimated to be \$275,852;
- (c) 2015; the third tax year: 59% of actual full taxes, estimated to be \$400,851;
- (d) 2016; the fourth tax year: 79% of actual full taxes, estimated to be \$525,849; and
- (e) 2017; the fifth tax year: 80% of actual full taxes, estimated to be \$532,099;

WHEREAS, the Tax Assessor has determined that the full and true value of the new improvements will generate an additional tax payment of \$1,100,000 a year upon completion; and

WHEREAS, the applicant has agreed that in the event the revalue results in a decrease in the amount of actual taxes otherwise due for purposes of calculating a tax payment hereunder and for the five (5) year period; the amount shall be calculated on the higher of the amount estimated hereunder or the actual taxes otherwise due; and

WHEREAS, the application for tax exemption was complete and timely filed; the application was approved by the Tax Assessor and the newly constructed multiple dwelling is eligible for tax exemption pursuant to N.J.S.A. 40A:21-9 and Section 304-12 of the Municipal Code; and

WHEREAS, upon the expiration of the tax exemption, the total assessment will generate a total tax payment of \$1,100,000; and

WHEREAS, 837 Jersey Avenue, LLC, the Owner, has agreed to waive \$220,000 or 1/2 of the reimbursement otherwise due under its January 26, 2005 Prepayment Agreement with the City of Jersey City, and to make a payment of \$42,000 in addition to the payment already made of \$42,000 to the City's Affordable Housing Trust Fund, since Jersey City relied on the receipt of these affordable housing payments.

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

1. The application, attached hereto, for a five (5) year tax exemption for the full and true value of the newly constructed 5 story building with multiple dwelling, located in Block 330, Lot 10, and more commonly known by the street address of 837 Jersey Avenue (f/k/a 833 Jersey Avenue), Jersey City, N.J., is hereby approved, provided that 837 Jersey Avenue, LLC, and Jersey Avenue 833 Urban Renewal Company, LLC, waive in writing any entitlement to reimbursement of the Prepayment or affordable housing payments already paid pursuant to Ordinance 05-002 or resolution and pays the additional sum of \$42,000 for affordable housing.

AN ORDINANCE 1) RESCINDING ORDINANCE 05-002, WHICH APPROVED A LONG TERM TAX EXEMPTION FOR JERSEY AVENUE 833 URBAN RENEWAL COMPANY, LLC, AND 2) APPROVING A FIVE (5) YEAR TAX EXEMPTION PURSUANT TO THE PROVISIONS OF N.J.S.A. 40A:2-1, ET SEQ., AND SECTION 304-9 OF THE MUNICIPAL CODE FOR PROPERTY DESIGNATED AS BLOCK 330, LOT 10, ON THE CITY'S TAX MAP AND MORE COMMONLY KNOWN BY THE STREET ADDRESS OF 837 JERSEY AVENUE

2. The Mayor or Business Administrator is hereby authorized to execute a tax exemption agreement which shall contain at a minimum, the following terms and conditions:

- (a) tax payment on the new improvements shall be:
 - (i) Year 1: the tax year in which the structure will be completed. \$32,105 taxes;
 - (ii) Year 2: the second tax year, 39% of actual full taxes, estimated to be \$275,852;
 - (iii) Year 3: the third tax year, 59% of actual full taxes, estimated to be \$275,852;
 - (iv) Year 4: the fourth tax year, 79% of actual full taxes, estimated to be \$525,849; and
 - (v) Year 5: the fifth tax year, 80% of actual full taxes, estimated to be \$532,099; and
 - (vi) the Tax Assessor has determined that the full and true value of the new improvements will generate an additional tax payment of \$1,100,000 a year upon completion.

The applicant has agreed that in the event the revalue results in a decrease in the amount of actual taxes otherwise due for purposes of calculating a tax payment hereunder and for the five (5) year period, the amount shall be calculated on the higher of the amount estimated hereunder or the actual taxes otherwise due; and

(b) The project shall be subject to all federal, state and local laws, and regulations on pollution control, worker safety, discrimination in employment, zoning, planning, and building code requirements pursuant to N.J.S.A.40A:21-11(b).

(c) If, during any tax year prior to the termination of the tax agreement, the property owner ceases to operate or disposes of the property, or fails to meet the conditions for qualifying then the tax which would have otherwise been payable for the then tax year but not previous years, shall become due and payable from the owner as if no exemption had been granted. The tax collector shall, within 15 days thereof, notify the owner of the property of the amount of taxes due.

(d) With respect to the disposal of the property, where it is determined that a new owner of the property will continue to use the property pursuant to the conditions which qualified the property, no tax shall be due, the exemption shall continue, and the agreement shall remain in effect.

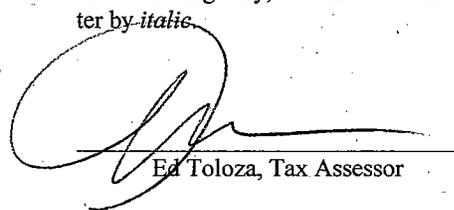
(e) At the termination of a tax exemption agreement, the new improvements shall be subject to all applicable real property taxes as provided by State law and regulation and local ordinance; but nothing herein shall prohibit a project, at the termination of an agreement, from qualifying for, and receiving the full benefits of, any other tax preferences provided by law.

AN ORDINANCE 1) RESCINDING ORDINANCE 05-002, WHICH APPROVED A LONG TERM TAX EXEMPTION FOR JERSEY AVENUE 833 URBAN RENEWAL COMPANY, LLC, AND 2) APPROVING A FIVE (5) YEAR TAX EXEMPTION PURSUANT TO THE PROVISIONS OF N.J.S.A. 40A:2-1, ET SEQ., AND SECTION 304-9 OF THE MUNICIPAL CODE FOR PROPERTY DESIGNATED AS BLOCK 330, LOT 10, ON THE CITY'S TAX MAP AND MORE COMMONLY KNOWN BY THE STREET ADDRESS OF 837 JERSEY AVENUE

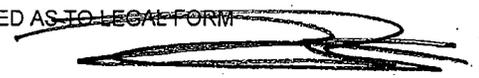
- 3. 837 Jersey Avenue, LLC, and Jersey Avenue 833 Urban Renewal Company, LLC, have agreed to: (a) waive the \$42,000 already paid for Affordable Housing; (b) pay an additional Affordable Housing payment of \$42,000; (c) waive ½ or entitlement to reimbursement arising from the \$220,000 of the Prepayment ; and (d) receive a credit for ½ of the Prepayment but only against the municipal portion of the taxes due on the improvements only.
- 4. The Mayor or the Business Administrator is to execute an agreement to terminate the Financial Agreement with Jersey Avenue 833 Urban Renewal Company, LLC, and assign and amend the Prepayment Agreement to 837 Jersey Avenue, LLC.
- 5. The form of tax agreement is attached hereto as Exhibit B, and Amended Prepayment Agreement is attached as Exhibit C, subject to such modification as the Corporation counsel or Business Administrator deems necessary.
- 6. The Tax Assessor shall send a copy of the fully executed Five-Year Tax Agreement will be sent to the Director of the Division of Local Government Services in the Department of Community Affairs within thirty (30) days of execution pursuant to N.J.S.A. 40A:21-11(d).
 - A. All ordinances and parts of ordinances inconsistent herewith, specifically Ordinance 05-002, 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 provided by law.
 - D. 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
7/11/11



Ed Toloza, Tax Assessor

APPROVED AS TO LEGAL FORM 
 Corporation Counsel

APPROVED: _____
 APPROVED: _____
 Business Administrator

Certification Required
 Not Required

City Clerk File No. Ord. 11-083

Agenda No. 3.6 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 11-083

TITLE: ORDINANCE APPROVING A 30 YEAR TAX EXEMPTION FOR AN AFFORDABLE HOUSING PROJECT TO BE CONSTRUCTED BY GLENNVIEW TOWNHOUSES II URBAN RENEWAL ASSOCIATES, L.P., 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, Glennview Townhouses II Urban Renewal Associates, L.P., is 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. (Entity); and

WHEREAS, the Entity is the Ground Leasee certain property known as Block 2088.1, Lot 5, on the City's Official Tax map, and Block 2088.1, Lot 16 (formerly a part of Lot 11 and identified as Lot 11.03), more commonly known by the street addresses of 296 Woodward Street and 511 Grand Street respectively, and more specifically described by metes and bounds, in the application (Property); and

WHEREAS, the Property is located within the Lafayette Redevelopment Plan Area and an Urban Enterprise Zone as required by N.J.S.A. 40A:20-4 and N.J.S.A. 40A:12A-5(g); and

WHEREAS, on or about June 8, 2011, and as amended on July 11, 2011, the Entity applied for a 30 year long term tax exemption to construct two (2) residential rental buildings containing 64 units, consisting of 15 one-bedroom, 29 two-bedroom, 18 three-bedroom, and two (2) four-bedroom units of housing; and

WHEREAS, 56 units will be occupied by and affordable to families of low income within the meaning of the New Jersey Council on Affordable Housing, and eight (8) units will be market rate units; and

WHEREAS, Glennview Townhouses II Urban Renewal Associates, L.P., has agreed to:

1. pay the greater of (i) the Minimum Annual Service Charge or (ii) 8% of Annual Gross Revenue (excluding all utilities), which sum is estimated to be \$33,840 for the 56 low and moderate income units, and 15% of the Annual Gross Revenue (with no deductions for any utilities), which sum is estimated to be \$22,914 for the eight (8) market rate units 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, or \$1,135; 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, or \$2,838; and

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 property is currently exempt and generates no revenue for the City; however, based on the current assessment, the real estate taxes would generate revenue, whereas, the Annual Service Charge as estimated, will generate revenue of more than \$56,754 to the City;
2. it is expected that the Project will create approximately 55 jobs during construction and two (2) new full-time and one (1) new part-time 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 various Redevelopment Plans;
5. the project provides 56 units of low and moderate income affordable housing which advances an inherently beneficial public purpose, notwithstanding that the City's impact analysis, on file with the Office of the City Clerk, indicates that the service charge will not support the cost of providing municipal services to the Project; 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 Ground Leasee 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, Glennview Townhouses II Urban Renewal Associates, L.P., has initially complied with Executive Order 2002-005 concerning "Disclosure of Lobbyist Representative Status" by filing a letter, in the Office of the City Clerk; and

WHEREAS, because total development costs are estimated to be \$16.3 million, Glennview Townhouses II Urban Renewal Associates, L.P., will not need to comply with the City of Jersey City's Ordinance 07-123 Requiring Apprenticeships and Project Labor Agreement; and

WHEREAS, on June 21, 2011, the Tax Exemption Committee recommended the approval of the tax exemption to the Mayor and Municipal Council.

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

A. The application of Glennview Townhouses II Urban Renewal Associates, L.P., 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, Block 2088.1, Lot 5, on the City's Official Tax map, and Block 2088.1, Lot 16 (formerly a part of Lot 11 and identified as Lot 11.03), more commonly known by the street addresses of 296 Woodward Street and 511 Grand Street respectively, and more specifically described by metes and bounds in the application, 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 33 years from the adoption of the within Ordinance or 30 years from the date the project is Substantially Complete;

- 2. Annual Service Charge: each year the greater of:
 - (a) the Minimum Annual Service Charge; or
 - (b) 8% of Annual Gross Revenue (with no deductions for any utilities), which sum is estimated to be \$33,840 for the 56 income restricted units pursuant to the New Jersey Council on Affordable Housing, and 15% of the Annual Gross Revenue (excluding all utilities), which sum is estimated to be \$22,914 for the eight (8) market rate units, 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; 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, or \$2,838; and
- 5. Project: 64 residential rental units containing 56 units to be occupied by and affordable to families of low income within the meaning of the New Jersey Council on Affordable Housing, and eight (8) units will be unrestricted, market rate units.
- 6. An obligation to execute a Project Employment and Contracting Agreement to insure employment and other economic benefits to City residents and businesses.
- 7. This Ordinance will sunset and the Tax Exemption approved thereby will terminate, unless the Entity receives approval of the low income housing tax credits from the NJHMFA no later than September 1, 2012.

C. 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.

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

E. 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.

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

G. 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
7/12/11

APPROVED AS TO LEGAL FORM

APPROVED: _____

Corporation Counsel

APPROVED: _____
Business Administrator

Certification Required
Not Required

City Clerk File No. Ord. 11-084

Agenda No. 3.H 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 11-084

TITLE: ORDINANCE APPROVING A 30 YEAR TAX EXEMPTION FOR AN URBAN RENEWAL SENIOR LOW AND MODERATE INCOME AFFORDABLE HOUSING PROJECT TO BE CONSTRUCTED BY MONTGOMERY SENIOR LIVING CENTER URBAN RENEWAL ASSOCIATES, L.P., 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, Montgomery Senior Living Urban Renewal Associates, L.P., is 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. (Entity); and

WHEREAS, the Entity is the ground lessee of certain property owned by the Jersey City Housing Authority (JCHA) known as Block 2116, Lot P1 (formerly a portion of Lot P), on the City's Official Tax map, more commonly known by the street address of 561 Montgomery Street, and more specifically described by metes and bounds in the application (Property); and

WHEREAS, on or about June 8, 2011, the Entity applied for a 30 year long term tax exemption to rehabilitate an existing unoccupied ten (10) story high rise building containing 70 dwelling units which are dedicated as senior low or moderate income affordable housing (JCHA); and

WHEREAS, because the Property is low and moderate income affordable housing it is eligible for tax exemption pursuant to N.J.S.A. 40A:20-4, although it is in neither a redevelopment area or an urban enterprise zone; and

WHEREAS, on May 24, 2011, the Entity received site plan approval to rehabilitate an and reconfigure existing building into sixty-eight (68) residential units, of which sixty-seven (67) units will be reserved for senior citizen of low or moderate income aged sixty-two (62) years of age pursuant to the New Jersey Council on Affordable Housing; and

WHEREAS, of the 68 units, fifty-eight (58) will be one-bedroom units and nine (9) will be two-bedroom units; and one (1) additional two-bedroom unit will be dedicated for an on-site non-income producing superintendent; and

WHEREAS, Montgomery Senior Living Urban Renewal Associates, L.P., has agreed to:

1. pay the greater of (i) the Minimum Annual Service Charge or (ii) 8% of Annual Gross Revenue (with no deductions), which sum is estimated to be \$32,254, 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 or approximately \$645; and
3. pay an annual sum equal to 5% of the annual service charge to Hudson County; or

4. provide employment and other economic opportunities for City residents and businesses; and

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 property is currently exempt and generates no revenue for the City; however, based on the current assessment, the real estate taxes would generate revenue whereas, the Annual Service Charge as estimated, will generate revenue of more than \$32,254 to the City;
2. it is expected that the Project will create approximately 125 jobs during construction and 2 new full-time and one (1) new part-time 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 various Redevelopment Plans;
5. the project provides 67 units of low or moderate income affordable housing which advances an inherently beneficial public purpose notwithstanding that the City's impact analysis, on file with the Office of the City Clerk, indicates that the service charge will not support the cost of providing municipal services to the Project; 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, Montgomery Senior Living Urban Renewal Associates, L.P., has initially complied with Executive Order 2002-005 concerning "Disclosure of Lobbyist Representative Status" by filing a letter in the Office of the City Clerk; and

WHEREAS, this Project does not need to comply with the City of Jersey City's Ordinance 07-123 Requiring Apprenticeships and Project Labor Agreement; and

WHEREAS, on June 21, 2011, the Tax Exemption Committee recommended the approval of the tax exemption to the Mayor or Municipal Council.

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

A. The application of Montgomery Senior Living Urban Renewal Associates, L.P., 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 Block 2116, Lot P1 (formerly a portion of Lot P), more commonly known by the street address of 561 Montgomery Street, and more specifically described by metes and bounds in the application, 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 33 years from the adoption of the within Ordinance or 30 years from the

date the project is Substantially Complete;

2. Annual Service Charge: each year the greater of:

- (a) 8% of Annual Gross Revenue (with no deductions for any utilities), estimated at \$32,254, which shall be subject to statutory increases during the term of the tax exemption;
- (b) 5% of the Annual Service Charge or \$1,613, for remittance to the County by the City.

3. Administrative Fee: 2% of the prior year's Annual Service Charge, or \$646;

4. Project: A 10 story building to contain approximately sixty-eight (68) residential units, of which sixty-seven (67) units will be reserved for senior citizen households aged sixty-two (62) years of age of low or moderate income, earning at or below 60% of Area Median Income (AMI), and constitute affordable housing pursuant to the New Jersey Council on Affordable Housing;

5. An obligation to execute a Project Employment and Contracting Agreement to insure employment and other economic benefits to City residents and businesses.

6. This Ordinance will sunset and the Tax Exemption approved thereby will terminate, unless the Entity receives approval of the low income housing tax credits from the NJHMFA no later than September 1, 2012.

C. 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.

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

E. 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.

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

G. 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
7/11/11

APPROVED AS TO LEGAL FORM



Corporation Counsel

APPROVED: _____

APPROVED: _____
Business Administrator

Certification Required
Not Required

City Clerk File No. Ord. 11-085

Agenda No. 3.1 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 11-085

TITLE: ORDINANCE 1) RESCINDING ORDINANCE 06-023; AND 2) CONSENTING TO THE SALE AND ASSIGNMENT THE TAX EXEMPTION FINANCIAL AGREEMENT, AS AMENDED, FROM UNICO-JERSEY CITY HOUSING, INC., TO 500 MANILA AVENUE, LLC, PURSUANT TO THE NEW JERSEY HOUSING AND MORTGAGE FINANCE AGENCY LAW, N.J.S.A. 55:14K-1

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

WHEREAS, Unico Jersey City Housing, Inc., is a limited dividend corporation sponsor, formed and qualified to do business under the provisions of the Limited Dividend Housing Corporation Law, N.J.S.A. 55:16-18 [Original Entity]; and

WHEREAS, the Entity owns certain property known as Block 213, Plot A (Manila and 6th street), Block 214, Plot B (Henderson and 7th Street) and Block 215, Plot A (Manila and 6th) on the City's Official Tax map, and more commonly known by the street address of 500 Manila Avenue, Jersey City, New Jersey [Property], all of which is located within the boundaries of the Paulus Hook NDP Area 1 District; and

WHEREAS, by the adoption of a Municipal Council Resolution on March 20, 1973, the Municipal Council of the City of Jersey City approved a 47 year tax exemption under the Limited Dividend Housing Corporation Law, N.J.S.A. 55:16-18, and authorized the execution of a financial agreement, for 203 units of housing; and

WHEREAS, by a Resolution adopted on October 2, 1973, Unico Jersey City Housing, Inc., (Unico) leased parking facilities, a baseball field and other property [City Property] to the City of Jersey City for the sum of \$90,000 on the condition that ownership would revert to the City for \$1.00 upon the expiration of the NJHMFA mortgage that funded the construction of the Project; and

WHEREAS, the Entity and the City executed a Financial Agreement on or about March 20, 1973 [Financial Agreement], and Lease; and

WHEREAS, the parties agree that the tax exemption expires no later than the maturity date of the NJHMFA mortgage or November 1, 2022; and

WHEREAS, in 2006 Unico Jersey City Housing, Inc., applied for an amendment to and transfer of the tax exemption to Unico Towers, LLC, which was approved by the adoption of Ordinance 06-023 on February 22, 2006; and

WHEREAS, Unico Towers, LLC, never executed a Financial Agreement with the City as authorized by Ordinance 06-023; and

WHEREAS, on June 7, 2011, the Original Entity applied to the City to rescind Ordinance 06-023 and for consent to the sale of the project to 500 Manila Avenue, LLC [the New Entity], a sponsor, formed and qualified to do business under the provisions of the Housing and Mortgage Finance Agency Law, N.J.S.A. 55:14K-1 et seq.; and

ORDINANCE 1) RESCINDING ORDINANCE 06-023; AND 2) CONSENTING TO THE SALE AND ASSIGNMENT THE TAX EXEMPTION FINANCIAL AGREEMENT, AS AMENDED, FROM UNICO-JERSEY CITY HOUSING, INC., TO 500 MANILA AVENUE, LLC, PURSUANT TO THE NEW JERSEY HOUSING AND MORTGAGE FINANCE AGENCY LAW, N.J.S.A. 55:14K-1

WHEREAS, the application is made to enable the original investors to withdraw equity and to replenish the Project's reserves, which are currently very low; and

WHEREAS, the application is made under the Housing and Mortgage Finance Agency Law, N.J.S.A. 55:14K-1 et. seq., because the Limited Dividend Housing Corporation Law, N.J.S.A. 55:16-1 et. seq., was repealed in 1991 which means that a new Limited Dividend Housing Corporation to transfer to, can not be created as a matter of law; and

WHEREAS, while the New Entity will assume the NJHMFA mortgage, and the Original Entity's obligations under the NJHMFA mortgage will terminate; and

WHEREAS, upon dissolution of the Original Entity, any surplus will be paid 50/50 to the City of Jersey City and the State of New Jersey as originally required by the Limited Dividend Housing Corporation Law, N.J.S.A. 55:16-5; and

WHEREAS, the New Entity will continue to pay 15% of annual gross revenue which shall continue to be defined to exclude utilities, except water and sewer charges, which will now be subject to the Service Charge, and the term will not be extended beyond November 1, 2022, the original expiration date; and

WHEREAS, the New Entity will also replenish the Project's reserves and apply to subdivide the City Property, perfect the City's interest by recording the Lease, and seek the consent of the NJHMFA to discharge its mortgage as to the City Property, so that it can be conveyed to the City as soon as possible; and

WHEREAS, it is within the sound discretion of the Municipality to whether approve or disapprove the sale assignment or amendment of this tax exemption.

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

A. The Application of Unico Jersey City Housing, Inc., an urban renewal company formed and qualified to do business under the provisions of the Limited Dividend Housing Corporation Law, N.J.S.A. 55:16-18, as amended and supplemented, attached hereto, for the assignment and amendment of a tax exemption for Block 213, Plot A (Manila and 6th street), Block 214, Plot B (Henderson and 7th Street) and Block 215, Plot A (Manila and 6th) and more commonly known by the street address of 500 Manila Avenue, to 500 Manila Avenue, LLC, pursuant to the Housing and Mortgage Finance Agency Law, N.J.S.A. 55:14K-1 et seq., to 500 Manila Avenue, LLC, is hereby approved, subject to the following:

- (a) Term: the earlier of the existing NJHMFA mortgage expires on November 1, 2022, or the date such mortgage is otherwise terminated; and
- (b) Service Charge: 15% of all Annual Gross Revenue defined to exclude utilities, except water and sewer charges, which shall be subject to the Service Charge; and
- (c) Project: moderate rehabilitation of 203 units of affordable rental housing for senior citizens and replenishing of the Project's reserves; and
- (d) Property: Block 213, Plot A; Block 214, Plot B; and Block 215, Plot A on the City's Tax map and more commonly known by the street address of 500 Manila Avenue, Jersey City, New Jersey; and

ORDINANCE 1) RESCINDING ORDINANCE 06-023; AND 2) CONSENTING TO THE SALE AND ASSIGNMENT THE TAX EXEMPTION FINANCIAL AGREEMENT, AS AMENDED, FROM UNICO-JERSEY CITY HOUSING, INC., TO 500 MANILA AVENUE, LLC, PURSUANT TO THE NEW JERSEY HOUSING AND MORTGAGE FINANCE AGENCY LAW, N.J.S.A. 55:14K-1

- (e) City Property: portions of Block 213, Plot A; Block 214, Plot B; and Block 215, Plot A, described by the metes and bounds in Exhibit A, shall be subdivided forthwith and conveyed to the City in fee simple and free of any liens as soon as possible but not later than November 1, 2022. 500 Manila Avenue, LLC, shall cooperate with the City and the NJHMFA to obtain the approval of the NJHMFA to discharge of the NJHMFA mortgage as to the City Property as soon as possible. A recorded option to purchase for \$1.00 shall be executed and recorded by the Entity and the New Entity.
- (f) Approval of the NJHMFA.

B. The Mayor or Business Administrator is hereby authorized to execute a consent to assignment and assumption agreement with 500 Manila Avenue, LLC, and Unico Jersey City Housing, Inc., as well as any other documents appropriate or necessary to effectuate the sale and transfer of the Project, the tax exemption financial agreement and conveyance of the City Property, and the purposes of this ordinance.

C. The agreements shall be in substantially the form attached hereto, subject to such modifications as the Business Administrator and Corporation Counsel deems appropriate or necessary.

D. All ordinances, including Ordinance 06-023, and parts of ordinances inconsistent herewith are hereby repealed.

E. 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.

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

G. 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*.

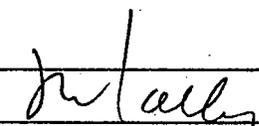
JM/he
7/13/11

APPROVED AS TO LEGAL FORM



Corporation Counsel

APPROVED: _____



Business Administrator

Certification Required
Not Required

City Clerk File No. Ord. 11-086

Agenda No. 3.J 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 11-086

TITLE: ORDINANCE APPROVING A 30 YEAR TAX EXEMPTION FOR A SENIOR CITIZEN AFFORDABLE HOUSING PROJECT TO BE CONSTRUCTED BY ST. BRIDGET'S SENIOR RESIDENCE 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, St. Bridget's Senior Residence Urban Renewal, LLC, is an urban renewal limited liability 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. (Entity); and

WHEREAS, the Entity is the ground lessee of certain property known as Block 380, Lots N1, A and B, on the City's Official Tax map, more commonly known by the street address of 372 Montgomery Street, 193 and 195 Mercer Street, more specifically described by metes and bounds, in the application and what were formerly known as a school, convent and rectory (Property); and

WHEREAS, the Entity will rent the property from St. Bridget's Church under a ground lease for a minimum period of 30 years and for an up-front rent of between \$552,000 to \$720,000, all of which is more specifically described in the application; and

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

WHEREAS, on or about June 10, 2011, the Entity applied for a 30 year long term tax exemption to rehabilitate the property to create a total of forty-six (46) units: forty three (43) rental residential units to be occupied by and affordable to low income senior citizens, plus three (3) non-income producing units, one (1) for a superintendent and two (2) to be reserved by St. Bridget's Senior Residence Urban Renewal, LLC; and

WHEREAS, on July 12, 2011, the Planning Board approved a site plan for the project; and

WHEREAS, St. Bridget's Senior Residence Urban Renewal, LLC, has agreed to:

1. pay the greater of (i) the Minimum Annual Service Charge, or (ii) 8% of Annual Gross Revenue, which sum is estimated to be \$22,798 or \$495 per unit, 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, estimated to be \$455; and 5% of the Annual Service Charge to the County, which sum is estimated to be \$1,139; and
3. provide employment and other economic opportunities for City residents and businesses; and

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 property is currently exempt and generates no revenue for the City; however, based on the current assessment, the real estate taxes would generate revenue of \$_____, whereas, the Annual Service Charge as estimated, will generate revenue of more than \$22,798 to the City;
2. it is expected that the Project will create approximately 73 jobs during construction and 2 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 various Redevelopment Plans;
5. the project provides 46 units of low income affordable housing which advances an inherently beneficial public purpose notwithstanding that the City's impact analysis, on file with the Office of the City Clerk, indicates that the service charge will not support the cost of providing municipal services to the Project; 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 ground lessee 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, St. Bridget's Senior Residence Urban Renewal, LLC, has initially complied with Executive Order 2002-005 concerning "Disclosure of Lobbyist Representative Status" by filing a letter if appropriate, in the Office of the City Clerk; and

WHEREAS, this Project does not need to comply with the City of Jersey City's Ordinance 07-123 Requiring Apprenticeships and Project Labor Agreement since it is affordable housing; and

WHEREAS, on June 21, 2011, the Tax Exemption Committee recommended the approval of the tax exemption to the Mayor, subject to the approval of low income housing tax credits from the Housing and Mortgage Finance Agency (HMFA) and a grant from the Jersey City Affordable Housing Trust Fund no later than September 1, 2012.

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

A. The application of St. Bridget's Senior Residence 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 Block 380, Lots N1, A and B, more commonly known by the street address of 372 Montgomery Street, 193 and 195 Mercer Street, and more specifically described by metes and bounds in the application 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 33 years from the adoption of the within Ordinance or 30 years from the date the project is Substantially Complete;

- 2. Annual Service Charge: each year the greater of:
 - (a) the Minimum Annual Service Charge equal to \$ _____ upon Project Completion, whether or not the Project is occupied; or
 - (b) 8% of Annual Gross Revenue, estimated at \$22,798, which shall be subject to statutory increases during the term of the tax exemption;
 - (c) 5% of the Annual Service Charge or \$1,140, for remittance to the County by the City.

3. Administrative Fee: 2% of the prior year's Annual Service Charge, or \$456;

4. Project: renovate, rehabilitate and adaptively reuse a school, convent and rectory to create a total of forty-six (46) units: forty three (43) rental residential units to be occupied by and affordable to low income senior citizens, plus three (3) non-income producing units, one (1) for a superintendent and two (2) to be reserved by St. Bridget's Senior Residence Urban Renewal, LLC;

5. An obligation to execute a Project Employment and Contracting Agreement to insure employment and other economic benefits to City residents and businesses;

6. This Ordinance will sunset and the Tax Exemption approved thereby, will terminate unless the Entity receives approval of the low income housing tax credits from the HMFA and a grant from the Jersey City Affordable Housing Trust Fund no later than September 1, 2012.

C. 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.

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

E. 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.

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

G. 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
7/11/11

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED: _____

APPROVED: _____
Business Administrator

Certification Required
Not Required

City Clerk File No. Ord. 11-087

Agenda No. 3.K 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 11-087

TITLE: ORDINANCE 1) AUTHORIZING THE RESCISSION OF ORDINANCES 08-011 AND 07-149; 2) AUTHORIZING THE TERMINATION OF THE FINANCIAL AND PREPAYMENT AGREEMENTS BETWEEN THE CITY OF JERSEY CITY AND THE WARREN @ YORK URBAN RENEWAL, LLC, AND 106 YORK STREET URBAN RENEWAL COMPANY, LLC; AND 3) APPROVING A FIVE-YEAR TAX EXEMPTION WITH THE WARREN @ YORK URBAN RENEWAL, LLC, FOR BOTH PROPERTIES

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

WHEREAS, on or about November 30, 2007, The Warren @ York Urban Renewal, LLC, applied for a Long Term Tax Exemption under N.J.S.A. 40A:20-1 et seq., for land and improvements located within an urban enterprise zone, known as Block 102, Lots T, V.1, V.2, 72 and 73 (now known as Lot 76), and more commonly known by the street address of 254-258 Warren Street and 120-124 York Street [Property]; and

WHEREAS, The Warren @ York Urban Renewal, LLC, was to have constructed a twelve (12) story building, containing approximately fifty (50) market rate residential condominium units with approximately 1,400 square feet of ground floor retail space and fifty (50) on site parking spaces [Project]; and

WHEREAS, by adoption of Ordinance 08-011 on February 13, 2008, the City of Jersey City [City] approved a 20 year long term tax exemption with a service charge equal to sixteen percent (16%) of the Annual Gross Revenue with a term of the earlier of twenty-five (25) years from adoption of the ordinance or twenty (20) years from substantial completion of the Project; and

WHEREAS, on March 4, 2008, the City executed a financial agreement with The Warren @ York Urban Renewal, LLC, for the Project [Financial Agreement-I] and a Prepayment Agreement for the Project [Prepayment Agreement-I]; and

WHEREAS, pursuant to the Prepayment Agreement, The Warren @ York Urban Renewal, LLC, was required to make a prepayment equal to the Annual Service Charge of \$460,458 on or before June 1, 2008, which sum was to have been credited over the ensuing four (4) years [Prepayment]; and

WHEREAS, The Warren @ York Urban Renewal, LLC, paid the full amounts of the Prepayment and its Affordable Housing contribution; and

WHEREAS, on or about June 7, 2007, 106 York Street Urban Renewal Company, LLC, applied for a Long Term Tax Exemption under N.J.S.A. 40A:20-1 et seq., for land and improvements located within an urban enterprise zone, known as Block 102, Lot X, and more commonly known by the street address of 106-118 York Street [Property]; and

WHEREAS, 106 York Street Urban Renewal Company, LLC, was to have constructed a ten (10) story building, containing approximately sixty (60) market rate residential condominium units, one (1) commercial condominium consisting of approximately 1,700 square feet and sixty-two (62) parking spaces [Project]; and

WHEREAS, by adoption of Ordinance 07-149 on August 22, 2007, the City of Jersey City [City] approved a 20 year long term tax exemption with a service charge equal to sixteen percent (16%) of the Annual Gross Revenue with a term of the earlier of twenty-five (25) years from adoption of the ordinance or twenty (20) years from substantial completion of the Project; and

ORDINANCE 1) AUTHORIZING THE RESCISSION OF ORDINANCES 08-011 AND 07-149; 2) AUTHORIZING THE TERMINATION OF THE FINANCIAL AND PREPAYMENT AGREEMENTS BETWEEN THE CITY OF JERSEY CITY AND THE WARREN @ YORK URBAN RENEWAL, LLC, AND 106 YORK STREET URBAN RENEWAL COMPANY, LLC; AND 3) APPROVING A FIVE-YEAR TAX EXEMPTION WITH THE WARREN @ YORK URBAN RENEWAL, LLC, FOR BOTH PROPERTIES

WHEREAS, the September 12, 2007 Financial Agreement with 106 York Street Urban Renewal Company, LLC, for the Project [Financial Agreement-II] and a Prepayment Agreement for the Project [Prepayment Agreement-II] were never implemented and no payments were made; and

WHEREAS, both The Warren @ York Urban Renewal, LLC, and 106 York Street Urban Renewal Company, LLC, advised that despite making good faith efforts, due to the continued downturn in the current market conditions, they decided not to pursue the condominium model for the Projects and have opted instead to combine the Projects and build a single rental project; and

WHEREAS, on June 7, 2011, The Warren @ York Urban Renewal, LLC, and 106 York Street Urban Renewal Company, LLC, gave the City formal written notice under Section 16.3 of the Financial Agreements, that the Entities wished to terminate their tax exemption agreements upon approval of a requested five (5) year tax exemption and execution of a five (5) year tax exemption agreement; and

WHEREAS, accordingly, The Warren @ York Urban Renewal, LLC, and 106 York Street Urban Renewal Company, LLC, seek to terminate the tax exemptions approved by Ordinances 08-011 and 07-149 and be released from any liability thereunder upon approval of the requested five (5) year tax exemption and execution of a five (5) year tax exemption agreement; and

WHEREAS, the Projects will be combined into a single rental project [New Project] under one owner, the Warren @ York Urban Renewal, LLC, which Entity seeks a five (5) year tax exemption for the New Project in lieu of the long term tax exemption; and

WHEREAS, as a condition of such release and approval, The Warren @ York Urban Renewal, LLC, has also agreed to waive \$250,000 of the \$460,458 reimbursement otherwise due under its Prepayment Agreement with the City of Jersey City, and the \$77,100 Affordable Housing payment it already made; and

WHEREAS, pursuant to N.J.S.A. 40A:21-1 et seq., the City of Jersey City adopted Ordinance 05-060 (Section 304-1 et seq. of the Municipal Code), and as amended by Ordinance 07-146, to allow Five (5) Year Tax Exemptions which allows the Tax Assessor to regard the full and true value or a portion thereof of certain improvements as not increasing the full and true value of certain property for a period of five (5) years, provided the owner's application is approved by the Tax Assessor and by Ordinance of the Municipal Council; and

WHEREAS, pursuant to N.J.S.A. 40A:21-9 and Section 304-12 of the Municipal Code, a tax exemption for a newly constructed building [commercial, industrial, or multiple dwelling], is permitted for a period of five (5) years; and

WHEREAS, the New Project shall consist of the construction of an eleven story building, containing 139 residential rental units, approximately 6,080 square feet of retail rental space, and 104 parking spaces located in Block 102, Lots 76 and X, on the City's Tax Map and more commonly known by the street addresses of 254-258 Warren Street and 120-124 York Street, and 106-118 York Street, Jersey City, N.J.; and

WHEREAS, the Tax Assessor will certify that Warren @ York Urban Renewal, LLC, has substantially completed the improvements upon receipt of a Certificate of Occupancy; and

WHEREAS, as determined by the assessor on October 1st of the year following completion, the owner proposes to pay the City (in addition to the full taxes on the land, which shall continue to be conventionally assessed and taxed) a tax payment for the new improvements on the property, estimated as follows:

- (a) 2013: the tax year in which the structure is estimated to be completed. \$0 taxes;
- (b) 2014: the second tax year, 39% of actual full taxes, estimated to be \$262,205;
- (c) 2015: the third tax year, 59% of actual full taxes, estimated to be \$396,669;
- (d) 2016: the fourth tax year, 79% of actual full taxes, estimated to be \$531,134; and
- (e) 2017: the fifth tax year, 80% of actual full taxes, estimated to be \$537,857;

ORDINANCE 1) AUTHORIZING THE RESCISSION OF ORDINANCES 08-011 AND 07-149; 2) AUTHORIZING THE TERMINATION OF THE FINANCIAL AND PREPAYMENT AGREEMENTS BETWEEN THE CITY OF JERSEY CITY AND THE WARREN @ YORK URBAN RENEWAL, LLC, AND 106 YORK STREET URBAN RENEWAL COMPANY, LLC; AND 3) APPROVING A FIVE-YEAR TAX EXEMPTION WITH THE WARREN @ YORK URBAN RENEWAL, LLC, FOR BOTH PROPERTIES

WHEREAS, the Tax Assessor has determined that the full and true value of the new improvements will generate an additional tax payment of \$672,321 a year upon completion; and

WHEREAS, the applicant has agreed that in the event the City-wide revaluation results in a decrease in the amount of actual taxes otherwise due for purposes of calculating a tax payment hereunder and for the five (5) year period, the amount shall be calculated on the higher of the amount estimated hereunder or the actual taxes otherwise due; and

WHEREAS, the application for tax exemption was complete and timely filed; the application was approved by the Tax Assessor and the New Project is eligible for tax exemption pursuant to N.J.S.A. 40A:21-9 and Section 304-12 of the Municipal Code; and

WHEREAS, upon the expiration of the tax exemption, the total assessment will generate a total tax payment of \$672,321; and

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

1. The application of The Warren @ York Urban Renewal, LLC, attached hereto, for a five (5) year tax exemption for the full and true value of the New Project, consisting of an eleven-story building containing 139 residential rental units, approximately 6,080 square feet of retail rental space, and 104 parking spaces, located in Block 102, Lots 76 and X, on the City's Tax Map and more commonly known by the street addresses of 254-258 Warren Street and 120-124 York Street, and 106-118 York Street, Jersey City, N.J., is hereby approved, provided that The Warren @ York Urban Renewal, LLC, and 106 York Street Urban Renewal Company, LLC, waive in writing any entitlement to reimbursement of the sum of \$250,000 of the \$460,458 Prepayment already paid pursuant to Ordinances 08-011 and 07-149; and

2. The Financial Agreements and Prepayment Agreements with The Warren @ York Urban Renewal, LLC, and 106 York Street Urban Renewal Company, LLC, for the Property shall be terminated by the within approval of the five (5) year tax exemption and the execution of a five (5) year tax exemption agreement.

3. The Mayor or Business Administrator is authorized to execute a Termination of the Financial Agreement and Amended Prepayment Agreement, substantially in the forms attached hereto or any documents appropriate or necessary to effectuate the purposes of the within Ordinance. The Warren @ York Urban Renewal, LLC shall waive any right to reimbursement of the Affordable Housing Trust Fund payment of approximately \$77,100 and \$250,000 of the Prepayment. The balance of the Prepayment or \$210,458 will be credited in the form of a credit against the municipal portion of conventional taxes due on the improvements only, commencing on the 1st day of the month following expiration of the five (5) year tax abatement to be approved by the within ordinance.

4. The Mayor or Business Administrator is hereby authorized to execute a five (5) year tax exemption agreement which shall contain at a minimum, the following terms and conditions:

- (a) tax payment on the new improvements shall be:
 - (i) Year 1: the tax year in which the structure is to be completed. \$0 taxes;
 - (ii) Year 2: the second tax year, 39% of actual full taxes, estimated to be \$262,205;
 - (iii) Year 3: the third tax year, 59% of actual full taxes, estimated to be \$396,669;
 - (iv) Year 4: the fourth tax year, 79% of actual full taxes, estimated to be \$531,134;
 - (v) Year 5: the fifth tax year, 80% of actual full taxes, estimated to be \$537,857; and
 - (vi) the Tax Assessor has determined that the full and true value of the new improvements will generate an additional tax payment of \$672,321 a year upon completion.

ORDINANCE 1) AUTHORIZING THE RESCISSION OF ORDINANCES 08-011 AND 07-149; 2) AUTHORIZING THE TERMINATION OF THE FINANCIAL AND PREPAYMENT AGREEMENTS BETWEEN THE CITY OF JERSEY CITY AND THE WARREN @ YORK URBAN RENEWAL, LLC, AND 106 YORK STREET URBAN RENEWAL COMPANY, LLC; AND 3) APPROVING A FIVE-YEAR TAX EXEMPTION WITH THE WARREN @ YORK URBAN RENEWAL, LLC, FOR BOTH PROPERTIES

The applicant has agreed that in the event the City-wide revaluation results in a decrease in the amount of actual taxes otherwise due for purposes of calculating a tax payment hereunder and for the five (5) year period, the amount shall be calculated on the higher of the amount estimated hereunder or the actual taxes otherwise due; and

(b) The project shall be subject to all federal, state and local laws, and regulations on pollution control, worker safety, discrimination in employment, zoning, planning, and building code requirements pursuant to N.J.S.A.40A:21-11(b).

(c) If, during any tax year prior to the termination of the tax agreement, the property owner ceases to operate or disposes of the property, or fails to meet the conditions for qualifying then the tax which would have otherwise been payable for the then tax year but not previous years, shall become due and payable from the owner as if no exemption had been granted. The tax collector shall, within 15 days thereof, notify the owner of the property of the amount of taxes due.

(d) With respect to the disposal of the property, where it is determined that a new owner of the property will continue to use the property pursuant to the conditions which qualified the property, no tax shall be due, the exemption shall continue, and the agreement shall remain in effect.

(e) At the termination of a tax exemption agreement, the new improvements shall be subject to all applicable real property taxes as provided by State law and regulation and local ordinance; but nothing herein shall prohibit a project, at the termination of an agreement, from qualifying for, and receiving the full benefits of, any other tax preferences provided by law.

5. The Tax Assessor shall send a copy of the fully executed Five-Year Tax Agreement to the Director of the Division of Local Government Services in the Department of Community Affairs within thirty (30) days of execution pursuant to N.J.S.A. 40A:21-11(d).

6. All Ordinances and parts of Ordinances inconsistent herewith, specifically Ordinances 07-149 and 08-011, are hereby repealed.

7. 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.

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

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
7/14/11

Ed Toloza, Tax Assessor

APPROVED AS TO LEGAL FORM

APPROVED: _____

Corporation Counsel

APPROVED: _____
Business Administrator

Certification Required

Not Required

City Clerk File No. Ord. 11-088

Agenda No. 3.1 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 11-088

TITLE: ORDINANCE AMENDING CHAPTER 263 (RETAIL AND COMMERCIAL PREMISES) ARTICLE II (HOURS OF RETAIL BUSINESSES) OF THE JERSEY CITY MUNICIPAL CODE TO ADD CENTRAL AVENUE AND BOWER STREET

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY HEREBY ORDAINS:

- A. The following amendments to Chapter 263 (Retail and Commercial Premises) Article II (Hours of Retail Businesses) are hereby adopted:

RETAIL AND COMMERCIAL PREMISES

ARTICLE II Hours of Retail Businesses

§ 263-2. No Change.

§ 263-3. No Change.

§ 263-4. **Businesses to be closed during certain hours; exceptions.**

- A. Subject to Subsection B, no restaurant or retail sales establishment shall conduct any business between the hours of 11:00 p.m. and 5:00 a.m. of the next day in any of the following districts of Jersey City:

Name of Street	From	To
Communipaw Avenue	Martin Luther King Drive	Grand Street
Communipaw Avenue	Monticello Avenue	Westside Avenue
Communipaw Avenue	Pine Street	Manning Avenue
Franklin Street	Central Avenue	Palisade Avenue
Kennedy Boulevard	North Street	Secaucus Road
Martin Luther King Drive	McAdoo Avenue	Communipaw Avenue
Monticello Avenue	Communipaw Avenue	Orchard Street
Ocean Avenue	Bayonne Line	Bramhall Avenue
Pacific Avenue	Communipaw Avenue	Grand Street
Palisade Avenue	Beacon Avenue	North Street
Sip Avenue	Summit Avenue	Bergen Avenue
Summit Avenue	North Street	Secaucus Road
Paterson Plank Road and Secaucus Road	Central Avenue	Summit Avenue

**ORDINANCE AMENDING CHAPTER 263 (RETAIL AND COMMERCIAL PREMISES)
ARTICLE II (HOURS OF RETAIL BUSINESSES) OF THE JERSEY CITY MUNICIPAL
CODE TO ADD CENTRAL AVENUE AND BOWER STREET**

- B. The restriction upon business hours imposed by Subsection A shall not apply to pharmacies or other holders of plenary retail distribution licenses under the Alcoholic Beverage Law, N.J.S.A. 33:1-1 et seq.; except that the holders of such licenses may not conduct any business between the hours of 11:00 p.m. and 5:00 a.m. other than that permitted by N.J.S.A. 33:1-40.3 and Chapter 84, Alcoholic Beverages.
- C. Subject to Subsection B, no restaurant or retail sales establishment shall conduct any business between the hours of 12:00 a.m. and 5:00 a.m. of the next day in any of the following districts of Jersey City:

<u>Name of Street</u>	<u>From</u>	<u>To</u>
<u>Central Avenue</u>	<u>Manhattan Avenue</u>	<u>North Street</u>
<u>Bower Street</u>	<u>Cambridge Avenue</u>	<u>Central Avenue</u>

§ 263-5. No Change.

- B. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- C. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- D. This ordinance shall take effect at the time and in the manner as provided by law.
- E. 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 new material is underlined; words in [brackets] are omitted. For purposes of advertising only, new matter is **boldface** and repealed matter by *italics*.

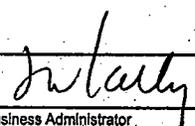
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APPROVED AS TO LEGAL FORM



Corporation Counsel

APPROVED: _____

APPROVED: 

Business Administrator

Certification Required
Not Required