

City Clerk File No. Ord. 14.010

Agenda No. 3.A 1st Reading

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



## ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 14.010

**TITLE: A Franchise Ordinance granting permission to Hudson Body Company, its successors and assigns, to make private improvements in the Allen Street public right of way adjacent to the property located at 415-435 Tonnele Avenue, Jersey City, New Jersey, also known on the Tax Maps of the City of Jersey City as Block 4101, Lots 20 and 21.**

**WHEREAS**, Hudson Body Company, having offices located at the Northeast Region, ABC Companies, 1494 Federal State St., Camden, New Jersey 08105, is the tenant of the property located at 415-435 Tonnele Avenue, Jersey Avenue, Jersey City, and known as Block 4101, Lots 20 and 21 on the current tax maps of the City of Jersey City ("Property"); and

**WHEREAS**, the Petitioner represented that the Property Owner, Hudson Improvement Company, Inc., consents to this Petitioner, and is a successor and/or assign under this Petition; and

**WHEREAS**, the Property is located within the HC - Highway Commercial District and applied for and was approved for a Preliminary and Final Major Site Plan Approval with variances to renovate and expand the existing commercial building used for auto service and auto body repair uses on the Property located at 415-435 Tonnele Avenue; and

**WHEREAS**, pursuant to a Resolution for the Preliminary and Final Site Plan Approval with "c" and "d" variances, Case #Z12-004, the Zoning Board of Adjustment granted approval ("Zoning Board Approval") to renovate and expand the commercial building and uses on the Property; and

**WHEREAS**, as part of the Zoning Board Approval, the renovation and expansion of the Property includes a provision that landscaping is installed and located within new fencing within a portion of the Allen Street public right-of-way, which is more particularly depicted and described in the metes and bounds description (Exhibit A); the Plan of Proposed Franchise Ordinance Area (Exhibit B); and the Proposed improvements and Franchise Ordinance (Exhibit C); attached hereto; and

**WHEREAS**, the installation of the landscaping within the new fencing to be located within a portion of the Allen Street public right-of-way is the result of the recommendation of the Division of Planning staff and the Zoning Board of Adjustment for aesthetic purposes, and is set forth as a condition of approval in the Resolution attached hereto as Exhibit D; and

**WHEREAS**, Allen Street is a short right-of-way that is perpendicular to Tonnele Avenue and dead ends, and it is not generally used by the public with the exception of the use by the tenant/owner of the Property in connection with the existing uses at the Property; and

**WHEREAS**, the Petitioner is required to file the Petition for a Franchise Ordinance to make any private improvements within the public right-of-way; and

**WHEREAS**, the Petitioner will be installing a new sidewalk adjacent to the proposed fencing to provide for pedestrian use, and there will now be sufficient area in the right-of-way for pedestrian use and the proposed private improvements will not impede or have a negative impact on typical pedestrian use; and

**WHEREAS**, Hudson Body Company has filed a petition for relief and represented to the Municipal Council of the City of Jersey City that the passage of this Ordinance is in the best interests and essential for the completion of the construction of the development; and

**WHEREAS**, after due notice was given in accordance with law, a public hearing was held on the Petition filed by Hudson Body Company to grant permission to construct private improvements within the public right-of-way for the following purposes:

1. The improvements will include the installation of landscaping located within new fencing that will be located within a portion of the Allen Street public right-of-way.
2. There will be sufficient area in the right-of-way for typical pedestrian use.

A Franchise Ordinance granting permission to Hudson Body Company, its successors and assigns, to make private improvements in the Allen Street public right of way adjacent to the property located at 415-435 Tonnele Avenue, Jersey City, New Jersey, also known on the Tax Maps of the City of Jersey City as Block 4101, Lots 20 and 21.

3. All costs associated with these improvements will be incurred by the Petitioner, and there being no objections thereto.

**WHEREAS**, the Jersey City Zoning Officer and the Building Department can approve the construction of the improvements at the subject property conditioned upon the Petitioner being granted a franchise ordinance by the City Council of the City of Jersey City; and

**WHEREAS**, a franchise ordinance is required to permit the completion of the construction of the private improvements within the public right-of-way; and

**WHEREAS**, by reason of the character of the development of the area within which this property is situated, and the use of this right-of-way by the public, the said improvements will enhance the aesthetic and character of the Property, and greatly benefit Jersey City and the surrounding neighborhood; and

**WHEREAS**, the public interest will be served by said improvements, which will be of great benefit to the citizens of Jersey City and Hudson County and the rights of the public will not be injuriously or adversely affected by the requested relief;

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

**SECTION I.** Permission be, and is hereby granted to and Hudson Body Company, its successors and assigns (including the Property Owner), to complete private improvements to a portion of lands located within the public rights of way adjacent to 415-435 Tonnele Avenue, Jersey City, and known as Block 4101, Lots 20 and 21 on the current tax maps of the City of Jersey City, said areas being more particularly described as follows and on the metes and bounds description and Franchise Plan Exhibits attached hereto as Exhibits A, B, and C.

1. The improvements will include the installation of landscaping within new fencing that will be located within a portion of the Allen Street public right-of-way.
2. There will remain sufficient area in the right-of-way for typical pedestrian use.
3. The improvements will be constructed consistent with the Plans approved by the Jersey City Zoning Board of Adjustment, the Jersey City Zoning Officer and Building Department.
4. All costs associated with these improvements will be incurred by the Petitioner.
5. The improvements are necessary to construct the proposed development consistent with the development approvals and will greatly benefit the Petitioner's property and the surrounding neighborhood.

**SECTION II.** All the 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. The construction plans shall be submitted to the City Engineer for his review and comments prior to the start of construction. After construction there shall remain no damage to the sidewalk or roadway or interference with the free and safe flow of pedestrian traffic and vehicular traffic. Hudson Body Company, and its successors and assigns, shall maintain all improvements installed by it for the entire term of this Franchise at no cost to the City.

**SECTION III.** 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 canceled 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 Petitioners one year prior to the date of cancellation.

**SECTION IV.** All costs and expenses incident to the introduction, passage and publication of this Ordinance shall be borne and paid by said Hudson Body Company.

**SECTION V.** In accepting the privileges of this Ordinance and the installation, maintenance and use hereby authorized, Hudson Body Company, 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 installation, 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 (except such injury or damage which is caused by the negligence or misconduct of the City or its officers, employees or agents) for the term of this Ordinance. Hudson Body Company, 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 additional insured, covering the use and occupancy of the public property subject to this franchise. A certificate of 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 this Franchise Ordinance. The Petitioner, its successors and assigns, shall also maintain in effect, during the term of this franchise, liability insurance naming the Property Owner, its officers and employees as additional insured covering the use and occupancy of the public property subject to this franchise in the same amount of the liability insurance for the City of Jersey City.

A Franchise Ordinance granting permission to Hudson Body Company, its successors and assigns, to make private improvements in the Allen Street public right of way adjacent to the property located at 416-435 Tonnele Avenue, Jersey City, New Jersey, also known on the Tax Maps of the City of Jersey City as Block 4101, Lots 20 and 21.

**SECTION VI.** This Ordinance shall not become effective unless an acceptance hereof in writing is filed by the Petitioner with the City Clerk. In the event, that the Petitioner shall not file with the City Clerk its acceptance in writing of the provisions of this Ordinance within 30 days after receiving notice of its passage, this Ordinance shall become void and be of no effect.

**SECTION VII.** An easement for the duration of this Ordinance is reserved for the benefit of the City of Jersey City and all public utility companies including any cable television company as defined in the "Cable Television Act", P.L. 1972, c. 186 (c. 48:5A-1 et seq.) for the purpose of ingress and egress over and upon the area subject to this Franchise Ordinance in order to maintain, repair or replace existing utility facilities including water lines, sewer lines, gas lines and telephone, electrical and cable television wires and poles which may be located either beneath or above the surface of the area subject to this Franchise Ordinance.

**SECTION VIII.** For the rights and privileges herein granted, said beneficiaries hereunder, their successors and assigns, shall pay annually to the City of Jersey City the sum of One Dollar (\$1.00), which payment shall be made annually on the 1st day of July next succeeding the time when this Ordinance shall become effective and on each first day of July thereafter until the termination of this Ordinance.

**SECTION IX.**

- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This Ordinance shall be a part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this Ordinance certified 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 repeals of existing provisions.

CS:\WP02\51010HEA\Franchise Ordinance Correspondence\Hudson Body Company\City Ordinance.doc

APPROVED AS TO LEGAL FORM

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

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

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

Business Administrator

Certification Required   
Not Required

**PETITION**

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

Your Petitioner, Hudson Body Company, having offices located 415-435 Tonnelle Avenue, Jersey City, New Jersey, respectfully says that:

1. Petitioner is the tenant of the property located at 415-435 Tonnelle Avenue, Jersey Avenue, Jersey City, and known as Block 4101, Lots 20 and 21 (formerly known as Block 971, Lots 5 and 41) on the current tax maps of the City of Jersey City (the "Property"). The Petitioner has the consent of the property owner, Hudson Improvement Company, Inc., to make this Petition. The Petitioner is proposing to rehabilitate and expand an existing one story commercial building on the Property.

2. The Zoning Board of Adjustment approved the renovation and expansion of the Property and its auto service and auto body use with the provision that landscaping located within new fencing will be installed within a portion of the Allen Street public right-of-way for aesthetic purposes.

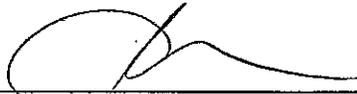
3. Petitioner proposes to make the following site improvements within the areas of the public right-of-way:

- A. The contemplated improvements will include the installation of landscaping located within new fencing that will be located within a portion of Allen Street public right-of-way.
- B. All costs associated with these improvements will be incurred by the Petitioner, and there being no objections thereto.

4. Petitioner will present the proposed improvements to the Jersey City Zoning Officer and Building Department, which can approve the proposed improvements conditioned upon the Petitioner, the Property Owner, its successors and assigns, being granted a franchise ordinance by the City Council of the City of Jersey City.

5. The contemplated improvements are necessary to construct the proposed development consistent with the development approvals, and will greatly benefit the Property, provide for aesthetic improvements and the surrounding area and neighborhood.

**WHEREFORE**, your Petitioner respectfully prays for itself, the property owner, its successors and assigns, for the enactment of a Franchise Ordinance to allow it to make private improvements within the public right-of-way of Allen Street, all as more particularly shown on the plans annexed hereto and made a part hereof.

By:   
\_\_\_\_\_  
c/o Hudson Body Company  
Charles J. Harrington, III, Esq.,  
Attorney for the Petitioner

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



ORDINANCE NO. Ord. 14.010

TITLE: 3.A JAN 29 2014 4.A FEB 11 2014

A Franchise Ordinance granting permission of Hudson Body Company, its successors and assigns, to make private improvements in the Allen Street public right of way adjacent to the property located at 415-435 Tonnele Avenue, Jersey City, New Jersey, also known on the tax maps of the City of Jersey City as Block 4101, Lots 20 & 21.

RECORD OF COUNCIL VOTE ON INTRODUCTION <span style="float: right;">JAN 29 2014 9-0</span>											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING <span style="float: right;">FEB 11 2014 9-0</span>											
Councilperson <u>COLEMAN</u> moved, seconded by Councilperson <u>RAMCHAL</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted _____											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMAN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE <span style="float: right;">FEB 11 2014 9-0</span>											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

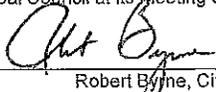
✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on JAN 29 2014

Adopted on second and final reading after hearing on FEB 11 2014

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on FEB 11 2014

  
Robert Byrne, City Clerk

\*Amendment(s):

APPROVED:   
Rajando R. Lavarro, Jr., Council President  
Date FEB 11 2014

APPROVED:   
Steven M. Fulop, Mayor  
Date FEB 19 2014

Date to Mayor FEB 18 2014

City Clerk File No. Ord. 14.011

Agenda No. 3.B 1st Reading

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



## ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 14.011

TITLE: **AN ORDINANCE AUTHORIZING THE CITY OF JERSEY CITY TO ENTER INTO A MONTH TO MONTH EXTENSION OF THE SUBLEASE WITH MOISHE'S SELF STORAGE, LLC AT 10 SENATE PLACE, JERSEY CITY FOR UP TO TWELVE MONTHS EFFECTIVE AS OF NOVEMBER 1, 2013**

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

**WHEREAS**, the City of Jersey City (City), Office of Emergency Management [OEM], needed storage space for emergency shelter equipment and other emergency supplies; and

**WHEREAS**, Ordinance 13-067, approved on June 19, 2013, authorized a one year sublease with Moishe's Self Storage, LLC [Moishe's], a lessee of warehouse space at 10 Senate Place, Jersey City, for 14,000 sq. ft. of storage space on the upper (SP 50) floor of the warehouse to the City for an annual rent of \$98,004 or \$8,167 monthly and for term effective as of November 1, 2012 and expiring on October 31, 2013 [Sublease]; and

**WHEREAS**, the City continues to need storage space for emergency shelter equipment and other emergency supplies used by the OEM and desires to enter into a month to month extension of the Sublease with Moishe's; and

**WHEREAS**, Senate Place Holdings, LLC, the owner of the warehouse at 10 Senate Place, consents to an extension of the Sublease on a month to month basis for up to twelve (12) months; and

**WHEREAS**, the Sublease term shall be extended month to month for up to twelve (12) months effective as of November 1, 2013 and terminate October 31, 2014, unless the City terminates the sublease earlier with a written 30 day notice to Moishe's; and

**WHEREAS**, the City will be required to pay rent of up to \$98,004 or \$8,166 monthly and Moishe's shall retain the security deposit of \$8,166.67 paid by the City under the Sublease; and

**WHEREAS**, N.J.S.A. 40A:12-5 provides that a municipality may by ordinance acquire property by lease; and

**WHEREAS**, funds in the amount of \$98,004 are available in Account No. 02-213-40-372-314.

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

1. Subject to such modifications as may be deemed necessary or appropriate by Corporation Counsel, the Mayor or Business Administrator is hereby authorized to execute a month to month extension of its November 1, 2012 Sublease with Moishe's Self Storage, LLC for 14,000 sq. ft. of warehouse space on the upper (SP 50) floor of a warehouse building at 10 Senate Place, Jersey City.
2. The Sublease shall be month to month for up to twelve (12) months effective as of November 1, 2013. The Sublease shall terminate upon 30 days written notice of

termination from the City to Moishe's or October 31, 2014, whichever occurs first.

- 3. The total rent shall not exceed \$98,004 and shall be payable in up to twelve (12) equal installments of \$8,166 payable on the first day of each month.
- 4. Moishe's shall continue to hold and shall credit the City with its payment of the security deposit of \$8,166 under the Sublease.
- 5. Funds in the amount of \$98,004 are available in Account No. 02-213-40-372-314. The balance of the funds shall be made available in the 2014 Fiscal Year permanent budget.
- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This ordinance shall be a part of the Jersey City Code as though codified and fully set forth therein. The City shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- C. This ordinance shall take effect in the manner as prescribed 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.

I, \_\_\_\_\_, (Donna Mauer), Chief Financial Officer, certify that funds in the amount of \$98,004.00 are available in Account No. 02-213-40-372-314.

**NOTE:** All new material is underlined; words in {brackets} are omitted. For purposes of advertising only, new matter is indicated by **boldface** and repealed matter by *italic*.

JM  
1/23/14

APPROVED AS TO LEGAL FORM

\_\_\_\_\_  
(Corporation Counsel)

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

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

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

Certification Required   
Not Required

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



ORDINANCE NO. Ord. 14.011  
 TITLE: 3.B JAN 29 2014 4.B **FEB 11 2014**

An ordinance authorizing the City of Jersey City to enter into a month to month extension of the sublease with Moishe's Self Storage, LLC at 10 Senate Place, Jersey City for up to twelve months effective as of November 1, 2013.

RECORD OF COUNCIL VOTE ON INTRODUCTION											
<b>JAN 29 2014 9-0</b>											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMEN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
<b>FEB 11 2014 9-0</b>											
Councilperson <u>OSBORNE</u>				moved, seconded by Councilperson <u>RAMCHAL</u>				to close P.H.			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMEN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote N.V.--Not Voting (Abstain)

SPEAKERS:

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____				moved to amend* Ordinance, seconded by Councilperson _____				& adopted			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMEN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE											
<b>FEB 11 2014 9-0</b>											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMEN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on JAN 29 2014  
 Adopted on second and final reading after hearing on FEB 11 2014

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on **FEB 11 2014**

Robert Byrne, City Clerk

APPROVED:   
 Rolando R. Lavarro, Jr., Council President  
 Date **FEB 11 2014**

\*Amendment(s):

APPROVED:   
 Steven M. Fulop, Mayor  
 Date **FEB 19 2014**

Date to Mayor **FEB 18 2014**

City Clerk File No. Ord. 14.012

Agenda No. 3.C 1st Reading

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



## ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 14.012

**TITLE: ORDINANCE AMENDING ORDINANCE 13-098 TO REFLECT A CHANGE IN THE ENTITY'S CERTIFICATE OF FORMATION RESULTING IN A CHANGE OF THE ENTITY'S NAME FROM GENESIS OCEAN URBAN RENEWAL CO., LLC TO GENESIS OCEAN ASSOCIATES, LLC, A QUALIFIED HOUSING SPONSOR UNDER THE NEW JERSEY MORTGAGE HOUSING FINANCE AGENCY LAW N.J.S.A. 55:14K-1 ET SEQ.**

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

**WHEREAS**, Genesis Ocean Associates, LLC (f/k/a Genesis Ocean Urban Renewal Co., LLC) [Entity], is the Contract Purchaser of certain property designated as Block 25804, Lots 23, 22, 21, 20, 19, 18 and 17, on City's Tax map and more commonly known by the street addresses of 441, 443, 445, 447, 449, 451-457 Ocean Avenue and 79-81 Dwight Street, respectively, in Jersey City, NJ [Property]; and

**WHEREAS**, on September 25, 2013, a tax exemption for 54 units of affordable housing to be constructed by the Entity was approved by the City by the adoption of Ordinance 13-098; and

**WHEREAS**, subsequent to the adoption of Ordinance 13-098, in order to qualify for financing, the New Jersey Housing Mortgage Finance Agency [NJHMFA] required the Entity to amend its Certificate of Formation to rescind its urban renewal entity status, which has the effect of changing the Entity's name from Genesis Ocean Urban Renewal Co., LLC to Genesis Ocean Associates, LLC; and

**WHEREAS**, on November 22, 2013, the Entity filed an amendment to its Certificate of Formation for removal from an urban renewal entity and to change the Entity's name to Genesis Ocean Associates, LLC; and

**WHEREAS**, this name change necessitates an amendment to the Financial Agreement with the City; and

**WHEREAS**, the terms of the exemption granted by the adoption of Ordinance 13-098 remain unchanged and Ordinance 13-098 remains in effect; and

**WHEREAS**, the only amendment is the change in formation and name of the Entity, so that the Financial Agreement is now between Genesis Ocean Associates, LLC, and the City of Jersey City.

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

1. The tax exemption Financial Agreement approved by Ordinance 13-098 is hereby amended to change the name of the Entity to Genesis Ocean Associates, LLC.

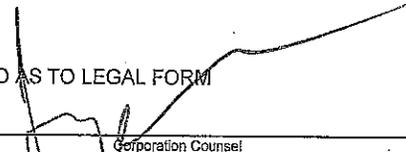
**ORDINANCE AMENDING ORDINANCE 13-098 TO REFLECT A CHANGE IN THE ENTITY'S CERTIFICATE OF FORMATION RESULTING IN A CHANGE OF THE ENTITY'S NAME FROM GENESIS OCEAN URBAN RENEWAL CO., LLC TO GENESIS OCEAN ASSOCIATES, LLC, A QUALIFIED HOUSING SPONSOR UNDER THE NEW JERSEY MORTGAGE HOUSING FINANCE AGENCY LAW N.J.S.A. 55:14K-1 ET SEQ.**

2. The remaining provisions of the tax exemption approved by Ordinance 13-098 remain in effect.
3. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
4. This ordinance shall be part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
5. This ordinance shall take effect at the time and in the manner provided by law.
6. The City Clerk and Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

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

DJ/he  
1/23/14

APPROVED AS TO LEGAL FORM

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

APPROVED:

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

Certification Required   
Not Required

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



ORDINANCE NO. Ord. 14.012

TITLE: 3.C JAN 29 2014 4.C

**FEB 11 2014**

Ordinance amending Ordinance 13.098 to reflect a change in the entity's certification of formation resulting in a change of the entity's name from Genesis Ocean Urban Renewal, Co., LLC to Genesis Ocean Associates, LLC, a qualified housing sponsor under the New Jersey Mortgage Housing Finance Agency Law N.J.S.A.55:14K-1 et seq.

RECORD OF COUNCIL VOTE ON INTRODUCTION												JAN 29 2014 9-0		
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.			
GAJEWSKI	✓			YUN	✓			RIVERA	✓					
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓					
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓					

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING												FEB 11 2014 9-0		
Councilperson <u>RIVERA</u> moved, seconded by Councilperson <u>RAMCHAL</u> to close P.H.														
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.			
GAJEWSKI	✓			YUN	✓			RIVERA	✓					
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓					
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓					

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMAN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE												FEB 11 2014 9-0		
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.			
GAJEWSKI	✓			YUN	✓			RIVERA	✓					
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓					
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓					

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on JAN 29 2014

Adopted on second and final reading after hearing on FEB 11 2014

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on **FEB 11 2014**  
  
 Robert Byrne, City Clerk

APPROVED:   
 Rolando R. Lavarro, Jr., Council President

Date FEB 11 2014

\*Amendment(s):

APPROVED:   
 Steven M. Fulop, Mayor

Date FEB 19 2014

Date to Mayor FEB 18 2014

City Clerk File No. Ord. 14.013

Agenda No. 3.D 1st Reading

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



# ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 14.013

TITLE: AN ORDINANCE SUPPLEMENTING CHAPTER 332 (VEHICLES AND TRAFFIC) ARTICLE III (PARKING, STANDING AND STOPPING) AMENDING SECTION 332-22 (PARKING PROHIBITED AT ALL TIMES) OF THE JERSEY CITY CODE REPEALING NO PARKING ANY TIME ON BOTH SIDES OF FLORENCE STREET FROM MONTGOMERY STREET TO CORNELISON AVENUE AND DESIGNATING NO PARKING ANY TIME ON THE SOUTH SIDE OF FLORENCE STREET EXTENSION BEGINNING AT MONTGOMERY STREET AND EXTENDING 225 FEET WEST AND DESIGNATING NO PARKING ANY TIME ON THE NORTH SIDE OF FLORENCE STREET EXTENSION BEGINNING AT MONTGOMERY STREET AND EXTENDING 290 FEET WEST

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

1. Chapter 332 (Vehicles and Traffic) Article III (No Parking Any Time) of the Jersey City Code is hereby supplemented as follows:

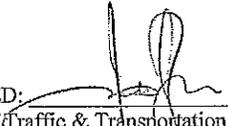
Section 332-22 PARKING PROHIBITED AT ALL TIMES  
No person shall park a vehicle on any of the streets or parts thereof described.

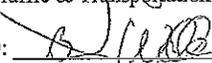
Name of Street	Side	Limits
[ <u>Florence St</u>	<u>Both</u>	<u>Montgomery St to Cornelison Av</u>
<u>Florence St Ext</u>	<u>North</u>	<u>Montgomery St to a point 290 feet west</u>
	<u>South</u>	<u>Montgomery St to a point 225 feet west</u>

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

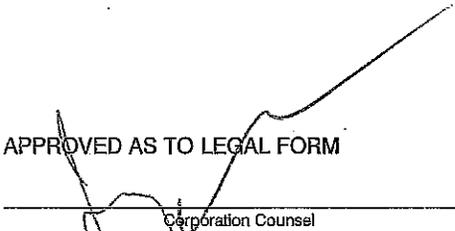
NOTE: All new material to be inserted is underscored; all material to be repealed is in [brackets].

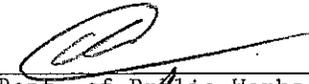
JDS:pcl  
(01.23.14)

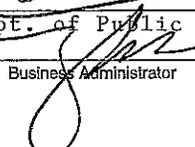
APPROVED:   
Director of Traffic & Transportation

APPROVED:   
Director,  
Architecture, Engineering, Traffic and Transportation

APPROVED AS TO LEGAL FORM

  
Corporation Counsel

APPROVED:   
Director, Dept. of Public Works

APPROVED:   
Business Administrator

Certification Required

Not Required

**ORDINANCE FACT SHEET – NON-CONTRACTUAL**

This summary sheet is to be attached to the front of any ordinance that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the ordinance.

**Full Title of Ordinance**

An Ordinance supplementing Chapter 332(Vehicles and Traffic) Article III(Parking, Standing and Stopping) amending Section 332-22(Parking Prohibited At All Times) of the Jersey City Code repealing no parking any time on both sides of Florence Street from Montgomery Street to Cornelison Avenue and designating no parking any time on the south side of Florence Street Extension beginning at Montgomery Street and extending 225 feet west and designating no parking any time on the north side of Florence Street Extension beginning at Montgomery Street and extending 290 feet west

**Initiator**

Department/Division	Department of Public Works	Architecture, Engineering, Traffic and Transportation
Name/Title	Joao D'Souza at the request of Domenick Bauer on behalf of Mayor Fulop	Director of Traffic & Transportation
Phone/email	201.547.4470	JOAO@jcnj.org

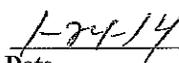
Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

**Ordinance Purpose**

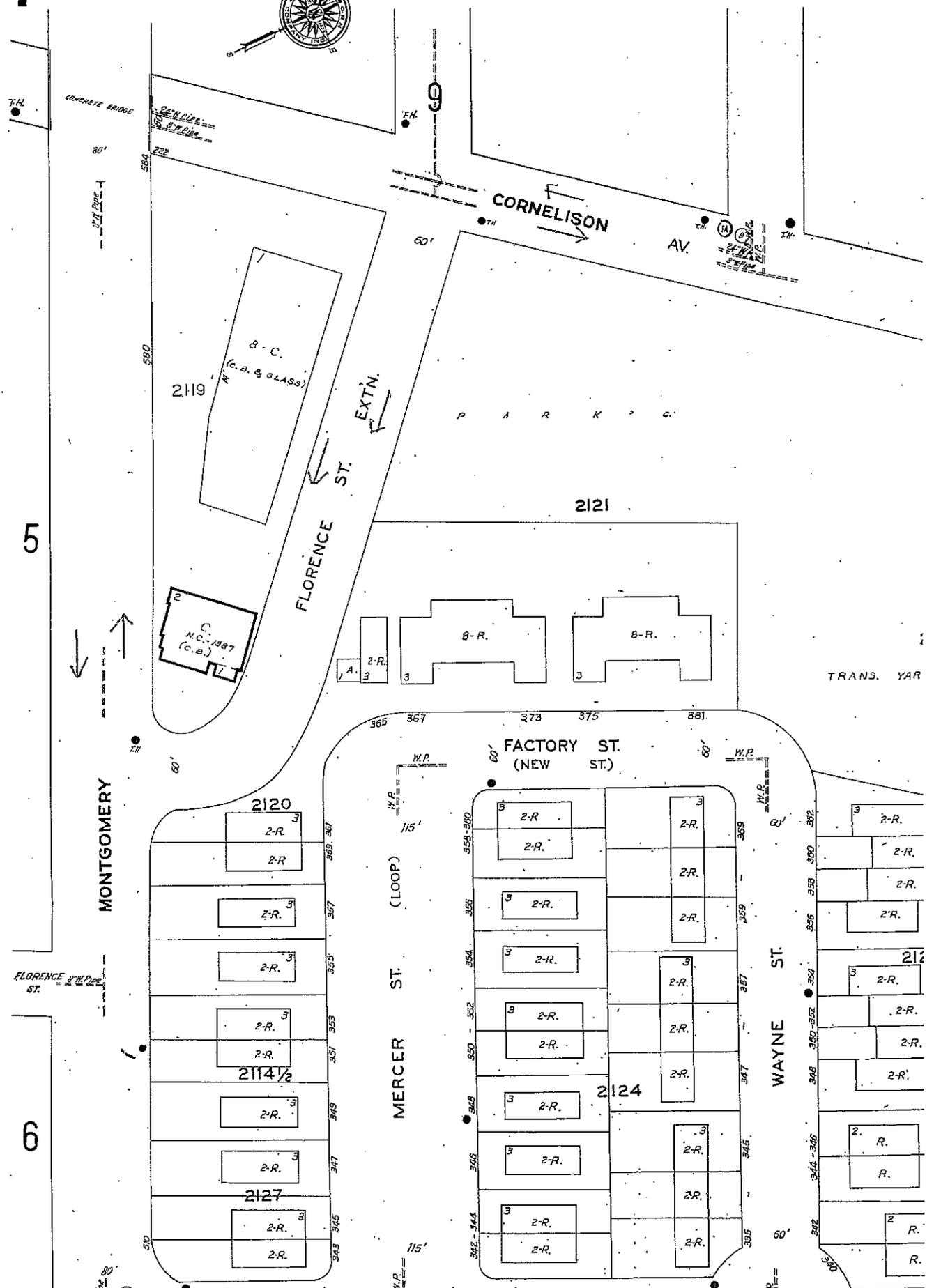
Rescind the "no parking any time" prohibition on sections of both the north and south side of Florence Street, thereby increasing parking availability in the neighborhood.

I certify that all the facts presented herein are accurate.

  
Signature of Department Director

  
Date

7



5

6



**CITY OF JERSEY CITY**  
**DEPARTMENT OF PUBLIC WORKS**

PUBLIC WORKS COMPLEX | 575 ROUTE 440 | JERSEY CITY, NJ 07305  
 P: 201 547 4402 | F: 201 547 4803



STEVEN M. FULOP  
 MAYOR OF JERSEY CITY

MICHAEL E. RAZZOLI  
 DIRECTOR

**MEMORANDUM**

**DATE:** January 23, 2014

**TO:** Robert Byrne, City Clerk ✓  
 Councilman Boggiano, Ward C

**FROM:** Patricia Logan, Supervising Traffic Investigator  
 Division of Architecture, Engineering, Traffic and Transportation

**SUBJECT:** PROPOSED ORDINANCE – FLORENCE STREET  
AMEND NO PARKING ANY TIME PROHIBITION

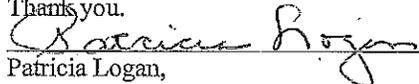
At the request of Domenick Bauer, on behalf of Mayor Fulop, an Ordinance has been proposed by this Division, (for Municipal Council approval), supplementing Chapter 332(Vehicles and Traffic) of the Jersey City Code.

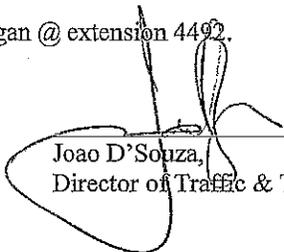
The proposed legislation repeals the “no parking any time” prohibition on both sides of Florence Street from Montgomery Street to Cornelison Avenue, and designates “no parking any time” on the south side of Florence Street Extension from Montgomery Street to a point 225 feet west and designates “no parking any time” on the north side of Florence Street Extension from Montgomery Street to a point 290 feet west. This ordinance has been proposed to increase parking availability on both sides of Florence Street Extension.

It is anticipated that this Ordinance will be on the Agenda for the January 29, 2014 Municipal Council meeting.

If you have any questions, feel free to contact Patricia Logan @ extension 4492.

Thanks you.

  
 Patricia Logan,  
 Supervising Traffic Investigator

  
 Joao D'Souza,  
 Director of Traffic & Transportation

- C: Stanley Huang, P.E., Municipal Engineer  
 Brian Weller, L.A.A., ASLA, Director, Architecture, Engineering, Traffic and Transportation  
 Michael Razzoli, Director, DPW  
 Muhammed Akil, Chief of Staff  
 Domenick Bauer, Mayor's Office  
 Robert Kakoleski, Acting Business Administrator  
 Mary Spinello-Paretti, CEO, J.C.P.A.
- |                                |                        |                   |
|--------------------------------|------------------------|-------------------|
| Council President Lavarro, Jr. | Councilwoman Watterman | Councilman Rivera |
| Councilman Gajewski            | Councilman Ramchal     | Councilman Yun    |
| Councilwoman Osborne           | Councilwoman Coleman   |                   |

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



ORDINANCE NO. Ord. 14.013  
 TITLE: 3.D JAN 29 2014 4.D FEB 11 2014

An ordinance supplementing Chapter 332 (Vehicles and Traffic) Article III (Parking, Standing and Stopping) amending Section 332-22 (Parking Prohibited at All Times) of the Jersey City Code repealing (No Parking Any Time) on both sides of Florence Street from Montgomery Street to Cornelson Avenue and designating (No Parking Any Time) on the south side of Florence Street extension beginning at Montgomery Street and extending 225 feet west and designating (No Parking Any Time) on the north side of Florence Street extension beginning at Montgomery Street and extending 290 feet west.

RECORD OF COUNCIL VOTE ON INTRODUCTION											
JAN 29 2014 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
FEB 11 2014 9-0											
Councilperson <u>RIVERA</u> moved, seconded by Councilperson <u>RAMCHAL</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMAN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE											
FEB 11 2014 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on JAN 29 2014  
 Adopted on second and final reading after hearing on FEB 11 2014

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on FEB 11 2014

Robert Byrne  
 Robert Byrne, City Clerk

APPROVED:

Rofando R. Lavarro, Jr., Council President  
 Date FEB 11 2014

\*Amendment(s):

APPROVED:

Steven M. Fulop, Mayor  
 Date FEB 19 2014

Date to Mayor FEB 18 2014

City Clerk File No. Ord. 13.126

Agenda No. 3.B 1st Reading

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

4.E. FEB 11 2014



## ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 13.126

TITLE: **ORDINANCE AUTHORIZING THE EXECUTION OF A RIGHTS-OF-WAY USE AGREEMENT BETWEEN THE CITY OF JERSEY CITY AND CROSS RIVER FIBER, INC. TO PERMIT THE INSTALLATION OF FIBER OPTIC CABLEING IN EXISTING UNDERGOUND CONDUIT AND/OR ON EXISTING UTILITY POLES WITHIN CERTAIN PUBLIC RIGHTS-OF-WAY FOR PURPOSES OF PROVIDING TELECOMMUNICATION SERVICES**

**WHEREAS**, Cross River Fiber, Inc. ("Cross River"), 382 Springfield Avenue, Suite 409, Summit, New Jersey 07901 is a telecommunications carrier authorized to provide services such as dark-fiber connectivity and high speed data transmission by the New Jersey Board of Public Utilities ("BPU") and the Federal Communications Commission ("FCC"); and

**WHEREAS**, Cross River has requested that the City of Jersey City ("City") grant it permission to run fiber optic cabling through existing innerducts located in existing underground conduits and/or on existing poles in the public rights-of-way for the purpose of installing, operating, repairing and maintaining a telecommunications system ("Project"); and

**WHEREAS**, Cross River agrees to execute the forty (40) year Rights-of-Way Use Agreement that is attached hereto; and

**WHEREAS**, Cross River agrees to pay the City the sum of \$750.00 to cover the administrative expenses incurred by the City for engineering and legal review of Cross River's project; and

**WHEREAS**, N.J.S.A. 48:17-10 and N.J.S.A. 40:67-1 authorize the City to grant municipal consent for public utility lines in its public rights-of-way; and

**WHEREAS**, it is deemed to be in the best interest of the City and its citizens, particularly, the commercial industrial citizens, for the City to grant consent to Cross River to use the public rights-of-way within the City; and

**WHEREAS**, the granting of such consent is conditioned upon Cross River's compliance with all existing City Ordinances and its execution of the attached Rights-of-Way Use Agreement

**WHEREAS**, Cross River agrees to indemnify, defend and hold the City harmless as to all claims and liability resulting from any injury or damage which may arise from the installation, operation, repair, and maintenance of its telecommunications system within certain public rights-of-way and provide liability insurance coverage for personal injury and property damage.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF JERSEY CITY THAT:**

1. Non-exclusive consent is hereby granted to Cross River to use certain public rights-of-way within the City for the purpose of installation, operation, repair, and maintenance of a telecommunications system for a period of forty (40) years, subject to the mutual covenants and obligations as set forth in the Rights-of-Way Use Agreement attached hereto;

02013117

- 2. The within granted permission is conditioned upon Cross River's executing the Rights-of-Way Use Agreement attached hereto and providing liability and property damage insurance; and
  - 3. The Mayor or Business Administrator is authorized to execute the attached Rights-of-Way Use Agreement.
- 
- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
  - B. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
  - C. This ordinance shall take effect at the time and in the manner as provided by law.
  - D. The City Clerk and the Corporation Counsel 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: New matter is underlined.

For purposes of advertising only, new matter is indicated by **boldface** and repealed matter by *italic*.

RR  
11-6-13

APPROVED AS TO LEGAL FORM \_\_\_\_\_  
Corporation Counsel

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

Certification Required   
Not Required

11.A.

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



ORDINANCE NO. Ord. 13.126  
TITLE: 3.B NOV 13 2013 4.B NOV 2 6 2013 4.E. FEB 11 2014

Ordinance authorizing the execution of a rights-of-way use agreement between the City of Jersey City and Cross River Fiber, Inc., to permit the installation of fiber optic cabling in existing underground conduit and/or on existing utility poles within certain public rights-of-way for purposes of providing telecommunication services.

RECORD OF COUNCIL VOTE ON INTRODUCTION											
NOV 13 2013 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	ABSENT			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING												
NOV 2 6 2013												
Councilperson <u>OSBORNE</u>				moved, seconded by Councilperson <u>COLEMAN</u>				to close P.H.				<u>9-0</u>
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	
GAJEWSKI	✓			YUN	✓			RIVERA	✓			
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓			
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓			

✓ Indicates Vote

N.V.--Not Voting (Abstain)

*YVONNE BALGER  
KABILI TAYARI  
JAYSON BURG*

**SPEAKERS:**

*TABLED 9-0 AFTER THE CLOSE OF THE PUBLIC HEARING ON A MOTION BY RAMCHAL, SECONDED BY COLEMAN*

*Removed 9-0 from Tabled agenda on a motion by Coleman, seconded by Ramchal*

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____				moved to amend* Ordinance, seconded by Councilperson _____				& adopted			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMAN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE											
FEB 11 2014 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on NOV 13 2013  
Adopted on second and final reading after hearing on FEB 11 2014

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on FEB 11 2014

*Robert Byrne*  
Robert Byrne, City Clerk

APPROVED:

*Rolando R. Lavarro, Jr.*

Rolando R. Lavarro, Jr., Council President

Date FEB 11 2014

\*Amendment(s):

APPROVED:

*Steven M. Fulop*

Steven M. Fulop, Mayor

Date FEB 19 2014

Date to Mayor FEB 18 2014

City Clerk File No. Ord. 14.002

Agenda No. 3.B 1st Reading

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

4.F FEB 11 2014



## ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

**CITY ORDINANCE 14.002**  
**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 9902, LOT 25.01, ON THE CITY'S TAX MAP AND MORE COMMONLY KNOWN BY THE STREET ADDRESS OF 334-336 & 340 THIRD STREET AND 292-294 NEWARK 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 304-6 et seq. of the Municipal Code, 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 five (5) story building with approximately forty-eight (48) residential rental units and approximately 2,728 square feet of commercial retail space on the ground floor, and nine (9) on-site parking spaces, is permitted for a period of five (5) years; and

**WHEREAS**, 292-294 Newark Street, LLC, is the owner of a newly constructed five (5) story building with approximately forty-eight (48) residential rental units and approximately 2,728 square feet of commercial retail space on the ground floor, and nine (9) on-site parking spaces, located in Block 9902, Lot 25.01 (f/k/a Block 387, Lots 12,13, 37, 38 and 39) on the City's Tax Map and more commonly known by the street address of 334-336 & 340 Third Street and 292-294 Newark Avenue, Jersey City, N.J., now known as 340 Third Street; and

**WHEREAS**, on September 23, 2013, the City issued a Certificate of Occupancy for the Property; and

**WHEREAS**, on October 22, 2013, the owner filed an application with the Tax Assessor to tax exempt the newly constructed multiple dwelling, commercial retail space on the ground floor and parking, a copy of which application is attached hereto; and

**WHEREAS**, 292-294 Newark Street, LLC, 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) 2014: the tax year in which the structure will be completed. \$0 taxes;
- (b) 2015: the second tax year, 20% of actual full taxes, estimated to be \$36,529;

- (c) 2016: the third tax year, 40% of actual full taxes, estimated to be \$73,059;
- (d) 2017: the fourth tax year, 60% of actual full taxes, estimated to be \$109,588; and
- (e) 2018: the fifth tax year, 80% of actual full taxes, estimated to be \$146,118;

**WHEREAS**, the Tax Assessor has determined that the full and true value of the new construction will generate an additional tax payment of \$182,648 a year; and

**WHEREAS**, the applicant has agreed that in the event the Citywide revaluation results in a decrease in the estimated amount of actual taxes otherwise due, then 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 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; and

**WHEREAS**, upon the expiration of the tax exemption, the total assessment will generate a total tax payment of \$222,195 including land taxes of \$39,547; and

**WHEREAS**, 292-294 Newark Street, LLC, has agreed to pay the sum of \$76,092 to the City's Affordable Housing Trust Fund.

**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 five (5) story building with approximately forty-eight (48) residential rental units and approximately 2,728 square feet of commercial retail space on the ground floor, and nine (9) on-site parking spaces, located in Block 9902, Lot 25.01 (f/k/a Block 387, Lots 12,13, 37, 38 and 39), and more commonly known by the street address of 334-336 & 340 Third Street and 292-294 Newark 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) estimated 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, 20% of actual full taxes, estimated to be \$36,529;
  - (iii) Year 3: the third tax year, 40% of actual full taxes, estimated to be \$773,059;
  - (iv) Year 4: the fourth tax year, 60% of actual full taxes, estimated to be \$109,588; and
  - (v) Year 5: the fifth tax year, 80% of actual full taxes, estimated to be \$146,118.

The applicant has agreed that in the event the Citywide revaluation results in a decrease in the amount of actual taxes otherwise due for purposes of calculating a tax payment hereunder; during this five (5) year period, the amount due hereunder shall be

calculated on the higher of the amount estimated above or the actual taxes due after the revaluation; 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 collector forthwith ad 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.

(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.

(f) Affordable Housing Trust Fund: \$1,500 per unit or \$72,000 and \$1.50 per square foot x 2,728 square feet or \$4,092, for a total of \$76,092.

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*.

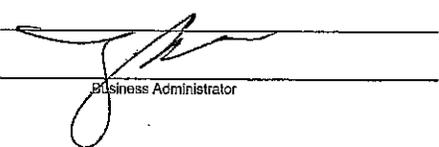
JM/he  
1/06/14

APPROVED AS TO LEGAL FORM

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

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

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

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

Certification Required   
Not Required

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



ORDINANCE NO. Ord. 14.002

TITLE: 3.B JAN 15 2014 4.B JAN 29 2014 4.F FEB 11 2014

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 304-09 of the Municipal Code for property designated as Block 9902, Lot 25.01, on the city's tax map and more commonly known by the street address of 334-336 Third Street and 292-294 Newark Avenue.

RECORD OF COUNCIL VOTE ON INTRODUCTION											
JAN 15 2014 8-1											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN		✓		RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
JAN 29 2014 9-0											
Councilperson <u>OSBORNE</u> moved, seconded by Councilperson <u>COLEMAN</u> to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

**SPEAKERS:**

YVONNE BALCER  
KABILI TAYARI  
CHARLES HARRINGTON  
CHESTER ROTHMAN

TABLED 9-0 AFTER THE CLOSE OF THE PUBLIC HEARING ON A MOTION BY LAVARRO, SECONDED BY COLEMAN

Removed 9-0 from the tabled agenda on a motion by Coleman, seconded by Ramchal

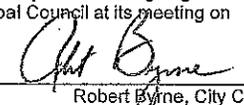
RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____				& adopted							
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMAN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE											
FEB 11 2014 8-1											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN		✓		RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

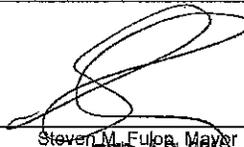
N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on JAN 15 2014  
Adopted on second and final reading after hearing on FEB 11 2014

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on FEB 11 2014  
  
Robert Byrne, City Clerk

APPROVED:   
Rolando R. Lavarro, Jr., Council President  
Date FEB 11 2014

\*Amendment(s):

APPROVED:   
Steven M. Fulop, Mayor  
Date FEB 19 2014

Date to Mayor FEB 18 2014

City Clerk File No. Ord. 14.003

Agenda No. 3.C 1st Reading

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

4.G. FEB 11 2014

## ORDINANCE OF JERSEY CITY, N.J.



COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 14.003

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 22203, LOT 5, ON THE CITY'S TAX MAP AND MORE COMMONLY KNOWN BY THE STREET ADDRESS OF 366 WEST SIDE 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 304-6 et seq. of the Municipal Code, 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 new mixed-use multiple dwelling and commercial five (5) story building with approximately thirty-two (32) residential rental units, approximately one thousand two hundred eighty seven (1,287) square feet of ground level commercial retail space, and parking for approximately sixteen (16) vehicles on the Property, is permitted for a period of five (5) years; and

**WHEREAS**, S.E. Management, LLC, is the owner of a new mixed-use five (5) story building with approximately thirty-two (32) residential rental units, approximately one thousand two hundred eighty seven (1,287) square feet of ground level commercial retail space, and parking for approximately sixteen (16) vehicles on the Property, located in Block 22203, Lot 5 on the City's Tax Map and more commonly known by the street address of 366 West Side Avenue, Jersey City, N.J.; and

**WHEREAS**, on August 1, 2013, the City issued a Certificate of Occupancy for the Property; and

**WHEREAS**, as amended on May 10, 2013, the owner filed an application with the Tax Assessor to tax exempt the newly constructed multiple dwelling and commercial space, a copy of which application is attached hereto; and

**WHEREAS**, S.E. Management, LLC, 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) 2014: the tax year in which the structure will be completed. \$0 taxes;
- (b) 2015: the second tax year, 20% of actual full taxes, estimated to be \$11,270;

- (c) 2016: the third tax year, 40% of actual full taxes, estimated to be \$22,541;
- (d) 2017: the fourth tax year, 60% of actual full taxes, estimated to be \$33,812; and
- (e) 2018: the fifth tax year, 80% of actual full taxes, estimated to be \$45,082;

**WHEREAS**, the Tax Assessor has determined that the full and true value of the new construction will generate an additional tax payment of \$56,353 a year; and

**WHEREAS**, the applicant has agreed that in the event the Citywide revaluation results in a decrease in the estimated amount of actual taxes otherwise due, then 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 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; and

**WHEREAS**, upon the expiration of the tax exemption, the total assessment including land taxes of 11,946, will generate a total tax payment of \$68,298; and

**WHEREAS**, S.E. Management, LLC, has agreed to pay the sum of \$49,931 to the City's Affordable Housing Trust Fund.

**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 a new mixed use five (5) story building with approximately thirty-two (32) residential rental units, approximately one thousand two hundred eighty seven (1,287) square feet of ground level retail space, and parking for approximately sixteen (16) vehicles, located in Block 22203, Lot 5, and more commonly known by the street address of 366 West Side 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) estimated 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, 20% of actual full taxes, estimated to be \$11,270;
  - (iii) Year 3: the third tax year, 40% of actual full taxes, estimated to be \$22,541;
  - (iv) Year 4: the fourth tax year, 60% of actual full taxes, estimated to be \$33,812; and
  - (v) Year 5: the fifth tax year, 80% of actual full taxes, estimated to be \$45,082.

The applicant has agreed that in the event the Citywide revaluation results in a decrease in the amount of actual taxes otherwise due for purposes of calculating a tax payment hereunder; during this five (5) year period, the amount due hereunder shall be calculated on the higher of the amount estimated above or the actual taxes due after the revaluation; 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 collector forthwith ad 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.

(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.

(f) Affordable Housing Trust Fund: \$1,500 per unit or \$48,000 and \$1.50 per square foot x 1,287 square feet or \$1,931, for a total of \$49,931.

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

APPROVED AS TO LEGAL FORM

Jeanne Monahan  
Corporation Counsel

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

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

[Signature]  
Business Administrator

Certification Required   
Not Required

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



ORDINANCE NO. Ord. 14.003

TITLE: 3.C JAN 15 2014 4.C

JAN 29 2014

4.G.

FEB 11 2014

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 304-09 of the Municipal Code for property designated as Block 22203, Lot 5, on the city's tax map and more commonly known by the street address of 366 Westside Avenue.

RECORD OF COUNCIL VOTE ON INTRODUCTION											
JAN 15 2014											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN		✓		RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
JAN 29 2014											
Councilperson <u>LAVARRO</u> moved, seconded by Councilperson <u>OSBORNE</u> to close P.H. <u>9-0</u>											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

**SPEAKERS:**

*KABILI TAYARI  
JAYSON BURG*

*TABLED 9-0 AFTER THE CLOSE OF  
THE PUBLIC HEARING ON A MOTION  
BY LAVARRO, SECONDED BY RIVERA*

*Removed 9-0 from tabled agenda  
on a motion by Coleman, seconded  
by Ramchal*

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMAN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE											
FEB 11 2014 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on JAN 15 2014  
Adopted on second and final reading after hearing on FEB 11 2014

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on FEB 11 2014

*Robert Byrne*  
Robert Byrne, City Clerk

APPROVED:

*Rolando R. Lavarro, Jr.*

Rolando R. Lavarro, Jr., Council President

Date

FEB 11 2014

\*Amendment(s):

APPROVED:

*Steven M. Fulop*  
Steven M. Fulop, Mayor

Date

FEB 19 2014

Date to Mayor

FEB 18 2014