

City Clerk File No. Ord. 08-156

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 08-156

TITLE: **ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY
AMENDING THE MONTICELLO AVENUE REDEVELOPMENT PLAN TO
INCORPORATE THE MONTICELLO AVENUE EXTENSION STUDY AREA**

WHEREAS, the Municipal Council of the City of Jersey City, by Resolution #08-540, adopted July 6, 2008 and by Resolution #08-778, adopted October 7, 2008, authorized the Jersey City Planning Board to conduct a preliminary investigation to determine if the area known as the Monticello Avenue Extension Study Area (hereinafter "the Study Area") meets the criteria of New Jersey's Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.*, qualifying it as "an area in need of redevelopment;" and

WHEREAS, the Municipal Council, upon the recommendation of the Jersey City Planning Board, on November 12, 2008 by Resolution 08-037 did declare the Monticello Avenue Extension Study Area to be "an area in need of redevelopment;" and

WHEREAS, the Jersey City Planning Board, at a public hearing on October 22, 2008, did review the proposal that the Boundary Map of the Monticello Avenue Redevelopment Plan be amended to incorporate the Study Area into the Redevelopment Plan and voted to recommend that the Municipal Council adopt said amendment; and

WHEREAS, the proposed Boundary Map amendment to the Monticello Avenue Redevelopment Plan is attached hereto and made a part hereof is available for public inspection in the Office of the City Clerk, City Hall, Jersey City, NJ;

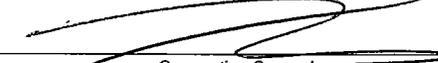
NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that the above referenced amendment to the Monticello Avenue Redevelopment Plan be, and hereby is, adopted as recommended by the Jersey City Planning Board.

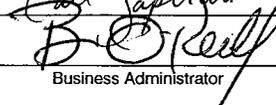
BE IT FURTHER ORDAINED THAT:

- 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 set forth fully herein. 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 Council 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 repealers of existing provisions.


Robert D. Cotter, PP, Director
Division of City Planning

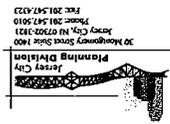
APPROVED AS TO LEGAL FORM


Corporation Counsel

APPROVED: 
APPROVED: 
Business Administrator

Certification Required

Not Required

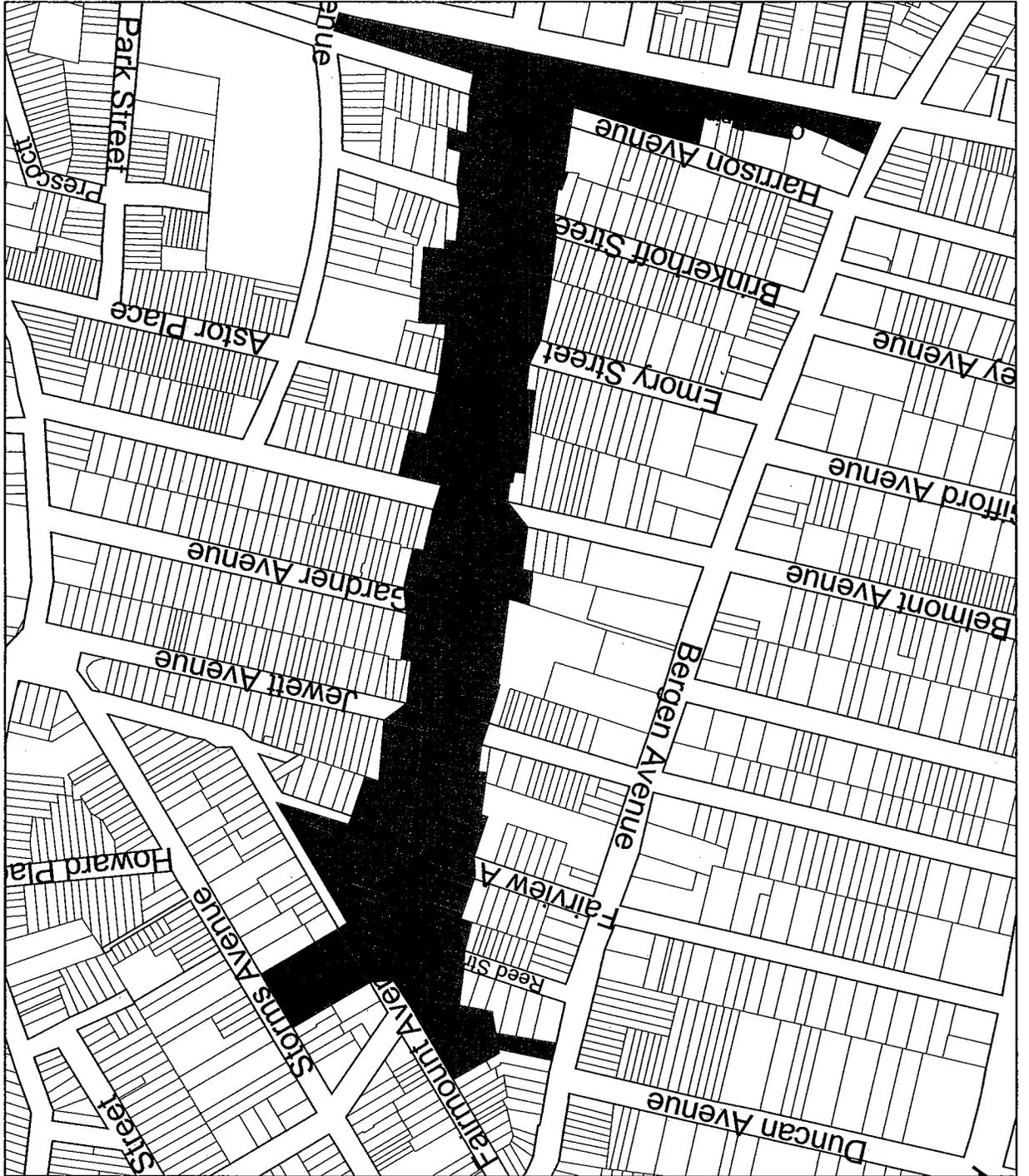
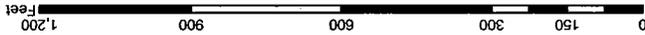


Monticello Avenue Redevelopment Plan Area Boundary Map

Legend
Redevelopment Plan Boundary



1 inch = 300 feet



ORDINANCE FACT SHEET

1. Full Title of Ordinance:

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY
AMENDING THE MONTICELLO AVENUE REDEVELOPMENT PLAN TO
INCORPORATE THE MONTICELLO AVENUE EXTENSION STUDY AREA**

2. Name and Title of Person Initiating the Ordinance, etc.:

Carl S. Czaplicki, Director, Department of Housing, Economic Development, and Commerce

3. Concise Description of the Plan Proposed in the Ordinance:

This ordinance will incorporate the Monticello Extension Study Area into the Monticello Avenue Redevelopment Plan by amending the boundary map for the Plan.

4. Reasons (Need) for the Proposed Program, Project, etc.:

The incorporation of the Study Area is necessary for the effective redevelopment of Block 1910 in order to create a more regular and appropriately sized parcel capable of accommodating appropriate redevelopment that is consistent with the goals and objectives of the Monticello Avenue Redevelopment Plan.

5. Anticipated Benefits to the Community:

Unified, more appropriate redevelopment of Block 1910

6. Cost of Proposed Plan, etc.:

\$0.00 all work performed in house

7. Date Proposed Plan will commence:

Upon approval

8. Anticipated Completion Date: N/A

9. Person Responsible for Coordinating Proposed Program, Project, etc.:

Robert D. Cotter, Director, City Planning 547-5050

10. Additional Comments: None

I Certify that all the Facts Presented Herein are Accurate.

Robert D. Cotter
Division Director

OCTOBER 23, 2008
Date

Carl S. Czaplicki
Department Director Signature

10/24/08
Date

Summary

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY AMENDING THE MONTICELLO AVENUE REDEVELOPMENT PLAN TO INCORPORATE THE MONTICELLO AVENUE EXTENSION STUDY AREA

This ordinance will incorporate the Monticello Extension Study Area into the Monticello Avenue Redevelopment Plan by amending the boundary map for the Plan. The Study Area's inclusion in the Monticello Avenue Redevelopment Plan will allow for the lots within the Study Area to be redeveloped in a unified manner along with the other adjacent lots on Block 1910 already within the Redevelopment Plan.

Resolution of the City of Jersey City, N.J.

City Clerk File No. Res. 08-837

Agenda No. 10.C

Approved: NOV 12 2008



TITLE:

RESOLUTION OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DECLARING THE MONTICELLO AVENUE EXTENSION STUDY AREA TO BE AN AREA IN NEED OF REDEVELOPMENT

WHEREAS, the Municipal Council of the City of Jersey City has, by Resolution #08-540, adopted July 16, 2008, authorized the Jersey City Planning Board to conduct a preliminary investigation with respect to Block 1910, Lots C, D.1, D.2, and that portion of Lot 12 formerly known as Lot B.1 to determine whether these Lots meets the criteria of New Jersey's Local Redevelopment and Housing Law, *NJSA 40A:12A-1 et seq.*, qualifying it as "an area in need of redevelopment;" and

WHEREAS, the Municipal Council of the City of Jersey City has, by Resolution #08-778, adopted October 7, 2008, further authorized the Jersey City Planning Board to conduct a preliminary investigation with respect to Block 1910, Lot A.3 to also determine whether this Lot meets the criteria of New Jersey's Local Redevelopment and Housing Law, *NJSA 40A:12A-1 et seq.*, qualifying it as "an area in need of redevelopment;" and

WHEREAS, the Planning Board, at its meeting of October 22, 2008, which was properly noticed as required by law, did conduct an investigation into the conditions affecting the property in question and did approve a motion to recommend to the Municipal Council that the referenced area be declared to be "an area in need of redevelopment;" and

WHEREAS, the Planning Board's recommendation is based on evidence presented to it and contained in the document entitled, *Report Concerning the Determination of the Proposed Monticello Avenue Extension Study Area as an Area in Need of Redevelopment*, dated October 22, 2008, attached hereto, and made a part hereof, and on the testimony of interested parties attending said Planning Board meeting; and

WHEREAS, the Planning Board did find, and so recommends to the Municipal Council, that the area in question meets the statutory criteria, pursuant to *NJSA 40A:12A-5.c.* and *d.* and the Local Redevelopment and Housing Law (*C.40A:12A-3*) to be declared an "area in need of redevelopment;" and

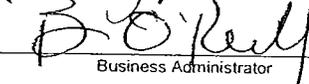
NOW, THEREFORE, BE IT RESOLVED by the Municipal Council of the City of Jersey City that the recommendation of the Planning Board be, and hereby is accepted, and that the Monticello Avenue Extension Study Area be, and hereby is, declared to be "an area in need of redevelopment."

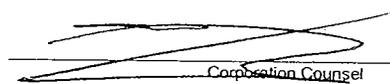


Robert D. Cotter, PP, Director
Division of City Planning

APPROVED: 

APPROVED AS TO LEGAL FORM

APPROVED: 
Business Administrator


Corporation Counsel

Certification Required

Not Required

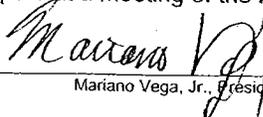
APPROVED 9-0

RECORD OF COUNCIL VOTE ON FINAL PASSAGE 11/12/08											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted at a meeting of the Municipal Council of the City of Jersey City N.J.


Mariano Vega, Jr., President of Council


Robert Byrne, City Clerk

RESOLUTION FACT SHEET

1. Full Title of Resolution:

RESOLUTION OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY DECLARING THE MONTICELLO AVENUE EXTENSION STUDY AREA TO BE AN AREA IN NEED OF REDEVELOPMENT

2. Name and Title of Person Initiating the Ordinance, etc.:

Carl S. Czaplicki, Director, Department of Housing, Economic Development, and Commerce

3. Concise Description of the Program, Project or Plan Proposed in the Resolution:

Declares the area known as the Monticello Avenue Extension Study Area to be an "Area in Need of Redevelopment." The study area consists of Block 1910, Lots A.3, C, D.1, D.2, & that portion of Lot 12 formerly known as Lot B.1, also known as 4 Fairview Avenue and 221-227 Fairmount Avenue.

4. Reasons (Need) for the Proposed Program, Project, etc.:

The Study Area consists of the five remaining parcels on Block 1910 that are not included in the Monticello Avenue Redevelopment Plan area. The exclusion of these parcels creates two separate wedges or cuts in the block that substantially increase its already irregular shape. The inclusion of these parcels will enable unified development of the entire block (see attached map).

5. Anticipated Benefits to the Community:

Adoption of this resolution will permit the incorporation of the subject lots into the Monticello Avenue Redevelopment Plan area, thereby allowing the unified development of Block 1910.

6. Cost of Proposed Plan, etc.:

\$0.00.

7. Date Proposed Plan will commence:

Upon adoption.

8. Anticipated Completion Date: N/A

9. Person Responsible for Coordinating Proposed Program, Project, etc.:

Robert D. Cotter, Director, City Planning 547-5050

10. Additional Comments:

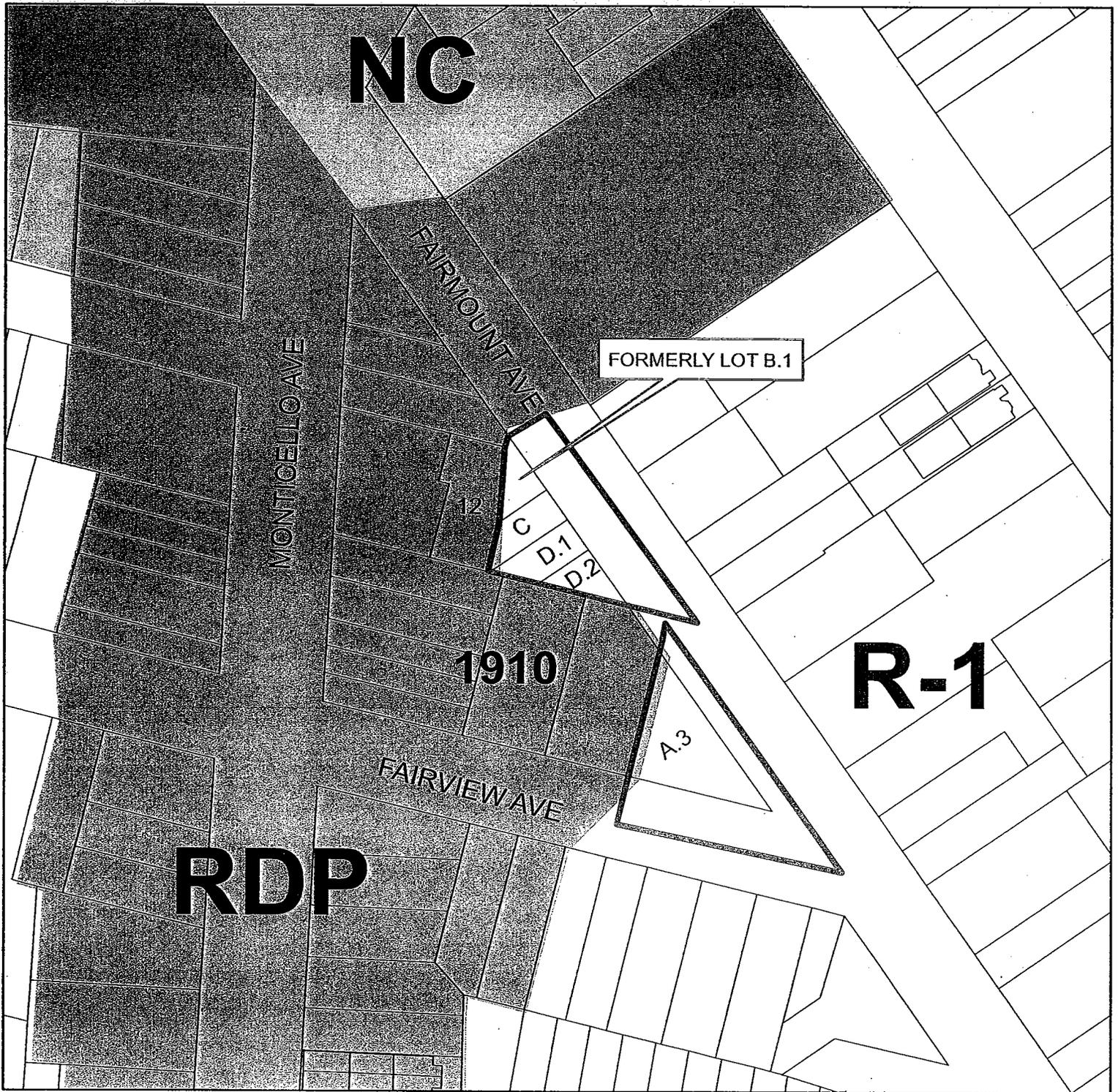
I Certify that all the Facts Presented Herein are Accurate.

Robert D. Cotter
Division Director

OCTOBER 23, 2008
Date

Carl Czaplicki
Department Director Signature

10/24/08
Date



**MONTICELLO AVENUE EXTENSION STUDY AREA
BOUNDARY MAP**

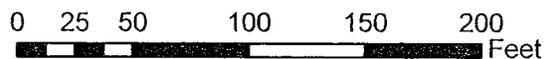
OCTOBER 9, 2008



STUDY AREA



Jersey City
Planning Division
 30 Montgomery Street Suite 1400
 Jersey City, NJ 07302-3821
 Phone: 201.547.5010
 Fax: 201.547.4323



Report

Concerning the Determination of

the Proposed

**MONTICELLO AVENUE
EXTENSION
STUDY AREA**

as

“An Area in Need of Redevelopment”

**Presented to the Planning Board
of the
City of Jersey City
on
October 22, 2008**

Division of City Planning

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Attachments:

STUDY AREA BOUNDARY MAP

PHOTOS

I. Introduction

On July 16, 2008 the Municipal Council of the City of Jersey City adopted Resolution #08-540, pertaining to Block 1910, Lots C, D.1, D.2, and that portion of Lot 12 formerly known as lot B.1, and on October 7, 2008 the Municipal also adopted Resolution #08-778, pertaining to Block 1910, Lot A.3, both resolutions authorizing the Jersey City Planning Board to:

1. Conduct a preliminary investigation of the physical and economic conditions of an area known as the Monticello Avenue Extension Study Area (hereinafter the Study Area) to determine whether or not this Study Area meets the statutory criteria necessary to be declared an "Area in Need of Redevelopment" as outlined in NJSA 40A:12A-5 and NJSA 40A:12A-6; and
2. Propose a Redevelopment Plan for this Study Area or incorporate it into the adjacent, existing Monticello Avenue Redevelopment if it is found to be "an area in need of redevelopment."

II. Survey of Conditions in the Study Area

A. Boundary Description

The Monticello Avenue Extension Study Area consists of a total of 5 lots on a single block in two non-contiguous pieces. The first piece contains one lot at the intersection of Fairview and Fairmount Avenues, while the second piece consists of three contiguous tax lots and a portion of a fourth tax lot that was formerly two separate lots located on Fairmount Avenue. Specifically, the study area consists of Block 1910, Lots A.3, C, D.1, D.2, and that portion of Lot 12 formerly known as lot B.1.

The boundary of the study area is also depicted on Map 1, "Study Area Boundary Map", dated October 9, 2008. In the event of a discrepancy between the boundary description and the Map, the Map takes precedence.

B. Local Setting

The Study Area is within one-half to one block from the Monticello Avenue business district and consists of the only lots on block 1910 that are not already incorporated into the Monticello Avenue Redevelopment Plan area. All of the subject lots have frontage on Fairmount Avenue and one of them, Lot A.3, is a corner lot that also fronts on Fairview Avenue. The Study Area lots are all are contiguous to the Monticello Avenue Redevelopment Plan area, and all but one are currently within the R-1 One and Two Family Housing Zoning District. The remaining lot, lot 12, was consolidated from two separate lots when they were both purchased by a single owner, and is currently "split-zoned" with the larger portion falling within the Monticello Avenue Redevelopment Plan area and the smaller portion (formerly lot B.1) falling within the R-1 Zone.

The Study Area's proximity to the Monticello Avenue business district as well the McGinley Square business district ensures easy access to pedestrian oriented neighborhood commercial uses that can serve area residents.

Since the time of the latest adoption of the Monticello Avenue Redevelopment Plan, a single developer has purchased all of the property on Block 1910 that is currently within the redevelopment plan area as well as the entirety of the newly consolidated lot 12 (now split-zoned), and has contracted to purchase the remaining lots within the Study Area. Block 1910 is triangular in shape, and the Study Area parcels each consists of a triangularly shaped wedge that increases the irregularity of the potential development parcel if not included in the redevelopment plan. Incorporation of the Study Area lots into the existing redevelopment plan area would enable the development of the entire block as a single unified building and project.

C. Transportation Access

C.1. Local Bus System

The Study Area is conveniently accessible by public transit to all areas of the city as well as Hoboken. The N.J. Transit #87 bus line runs along Monticello Avenue, provides local service between Monticello Avenue and the Bergen and Greenville sections of Jersey City to the South, and also provides service going north to McGinley Square, the Journal Square Transportation Center and the Hoboken Railroad Terminal. In addition, the Study Area is only 2.5 to 3 blocks from Bergen Avenue and 5 blocks from the McGinley Square transit hub where several more bus routes can be readily accessed.

C.2. Vehicular Access

The Study Area is in close proximity to several arterial roadways, the closest being Monticello Avenue, but also Bergen Avenue, Summit Avenue, Communipaw Avenue and Montgomery Street. These roadways provide direct vehicular connections to all areas of the city from Journal Square south and also provide vehicular connections to the NJ Turnpike as well as Routes 440 and Routes 1 & 9 north and south. The local urban street grid further facilitates circulation within and around the Monticello Avenue area.

D. Physical Survey and Analysis

D.1. Physical Survey Methods

The following methods were used in gathering information and preparing a physical condition survey of the Study Area:

- a. Parcel ownership, land use, lot assignments, size and assessed value were obtained from the municipal tax records for each parcel. Land use categories were modified if deemed necessary based on field surveys.

- b. A physical survey of all buildings and property was conducted to determine the general physical condition for all parcels within the Study Area and, where necessary, to modify characteristics obtained from the tax records. The survey involved an exterior evaluation only. The criteria for the evaluation of the condition of buildings and properties consisted of those factors that would indicate the generality of active maintenance and investment, or the lack thereof, in the residence, business, plant or property surveyed. Building and property condition was determined by focusing on certain indicators such as the following: windows, entranceways, siding, brickwork, cornices, sidewalks and curbing, evident rubbish, foundations and retaining walls, fencing, arrangement of driveways, parking and loading areas, relationship of buildings and land use to the surrounding area, condition of pavement and the grounds in general. Factors which weighed against a positive rating included: cracks and fissures in masonry or concrete, missing or damaged siding sections, evident debris and poor maintenance of the grounds, rusted or broken fencing elements, damaged or missing sidewalk areas and overcrowding or excessive coverage of buildings and land-use. Buildings and properties were classified as Good, Fair, Poor or Dilapidated.

D.2. Ownership and Tax Record Information

Block	Lot	Address	Size	Tax Records Use	Assessed Value	Ownership
1910	A.3	4 Fairview Ave.	88.6' x 115.5' Irr	4-story, 13 unit brick apt.	Land: \$ 25,00 Impr: \$160,000	Fairview Rlty Assoc. c/o Weingarten
	C	225 Fairmount Ave.	21.5' x 53.96' Irr	1.5-story frame 1-family	Land: \$ 8,400 Impr: \$41,600	Michael Hettesheimer
	D.1	223 Fairmount Ave.	22' x 35.96' Irr	2-story frame 2-family	Land: \$ 8,800 Impr: \$49,100	Mildred Brown
	D.2	221 Fairmount Ave.	41.12' x 53' Tri	Vacant Land	Land: \$14,400 Impr: -0-	City of Jersey City
	12	227 Fairmount Ave.	47.34 x 73.41' Irr	1-story concrete block industrial & vacant land	Land: \$21,200 Impr: \$43,800	Whiton St. Associates, LLC

D.3. Study Area Characteristics

Lot A.3 is a nonconforming multi-family apartment building in the R-1 One and Two Family Housing District and sits on an oversized, corner lot, shaped like an acute triangle, with frontage on both Fairview and Fairmount Avenues. The building appears to be in good condition and there are no outstanding violations listed with the Division of Housing Code Enforcement. However, the 4.5 story building, occupying almost 100% of the lot, faces small homes on both streets and both the structure and use are out of character with the rest of the block. The owner of the adjacent land within the Monticello Avenue Redevelopment Plan area has contracted to purchase lot A.3 and has stated that 9 of the 13 apartments are occupied.

Lot C contains a conforming use (a 1.5 story, 1-family use) that appears to be in good condition, but the lot is also irregularly shaped, considerably undersized, with the house covering an excessive amount of the lot, and conforming development is not possible to achieve without numerous variances. In addition, a small portion of the sidewalk is in disrepair.

Lot D.1 contains a conforming use (a 2 story, 2-family house), also on an irregularly shaped lot, considerably undersized lot with excessive building coverage, and conforming development would not be possible without numerous variances. The house appears to be in fair to good condition with some staining on the lower front siding and minor damage to siding on the east side of the house. The rear yard is poorly maintained as seen from the sidewalk across the abutting vacant land.

Lot D.2 is vacant land abutting lot D.1 owned by the City of Jersey City that has been poorly maintained, is unfenced, and is overgrown with weeds. According to the Tax Assessor, the land has been vacant for approximately 12 years. The lot is undersized, triangularly shaped, and unlikely to be developed unless combined with other adjacent property.

Portion of Lot 12 (formerly lot B.1) contains a nonconforming industrial use is an unfinished single story concrete block structure that appears to slightly encroach into the public right-of-way. There is a visible crack as well as graffiti on the west wall of the structure and old paint is noticeably flaking off the building which can be classified as poor to fair condition. In addition, the split-zoned condition of Lot 12 severely hinders its development/redevelopment in a conforming manner. The entire consolidated lot is now owned by the same party that owns or has a contract to purchase the remaining property on the block.

III. Criteria for Determination of Need for Redevelopment

The Study Area may be determined to be in need of redevelopment if, after investigation, notice and hearing, as provided within NJSA 40A: 12A-6, the governing body concludes by resolution that within the study area, any of the following conditions are found:

- a. *The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air or space, as to be conducive to unwholesome living or working conditions.*
- b. *The discontinuance of the use of buildings previously used for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be untenable.*
- c. *Land that is owned by the municipality, the county, a local housing authority, redevelopment agency or redevelopment entity, or unimproved vacant land that has remained so for a period of ten years prior to adoption of the resolution, and that by reason of its location, remoteness, lack of means of access to developed sections or*

portions of the municipality, or topography, or nature of the soil, is not likely to be developed through the instrumentality of private capital.

- d. Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals, or welfare of the community.*
- e. A growing lack or total lack of proper utilization of areas caused by the condition of the title, diverse ownership of the real property therein or other conditions, resulting in a stagnant or not fully productive condition of land potentially useful and valuable for contributing to and serving the public health, safety and welfare.*
- f. Areas, in excess of five contiguous acres, whereon buildings or improvements have been destroyed, consumed by fire, demolished or altered by the action of storm, fire, cyclone, tornado, earthquake or other casualty in such a way that the aggregate assessed value of the area has been materially depreciated.*
- g. In any municipality in which an enterprise zone has been designated pursuant to the "New Jersey Urban Enterprise Zones Act," P.L. 1983, c.303 (C.52:27H-60 et seq.) the execution of the actions prescribed in that act for the adoption by the municipality and approval by the New Jersey Urban Enterprise Zone Authority of the zone development plan for the area of the enterprise zone shall be considered sufficient for the determination that the area is in need of redevelopment pursuant to sections 5 and 6 of P.L. 1992, c.79 (C.40A: 12A-5 and 40A: 12A-6) for the purpose of granting tax exemptions within the enterprise zone district pursuant to the provisions of P.L. 1991, c.431. (C.40A:20-1 et seq.) or the adoption of a tax abatement and exemption ordinance pursuant to the provisions of P.L. 1992, c.441 (C.40A:21-1 et seq.). The municipality shall not utilize any other redevelopment powers within the urban enterprise zone unless the municipal governing body and planning board have also taken the actions and fulfilled the requirements prescribed in P.L. 1992, c.79 (C.40A: 12A-1 et seq.) for determining that the area is in need of redevelopment or an area in need of rehabilitation and the municipal governing body has adopted a redevelopment plan ordinance including the area of the enterprise zone.*
- h. The designation of the delineated area is consistent with smart growth principles adopted pursuant to law or regulation.*

In addition, the Local Redevelopment and Housing Law, (C.40A: 12A-3) the definition section, permits the inclusion of certain parcels in a redevelopment area necessary for effective redevelopment by stating:

"A redevelopment area may include land, buildings or improvements which of themselves are not detrimental to the public health, safety or welfare, but the inclusion of which is found necessary, with or without change in their condition, for the effective redevelopment of the area of which they are a part".

IV. Conclusion

A review of the unique characteristics of the Study Area indicates that it qualifies as an “Area in need of Redevelopment” as defined in NJSA 40A:12-A-5, meeting the criteria of subsections c (lot D.1 only), d, and the Local Redevelopment and Housing Law (C.40A:12A-3).

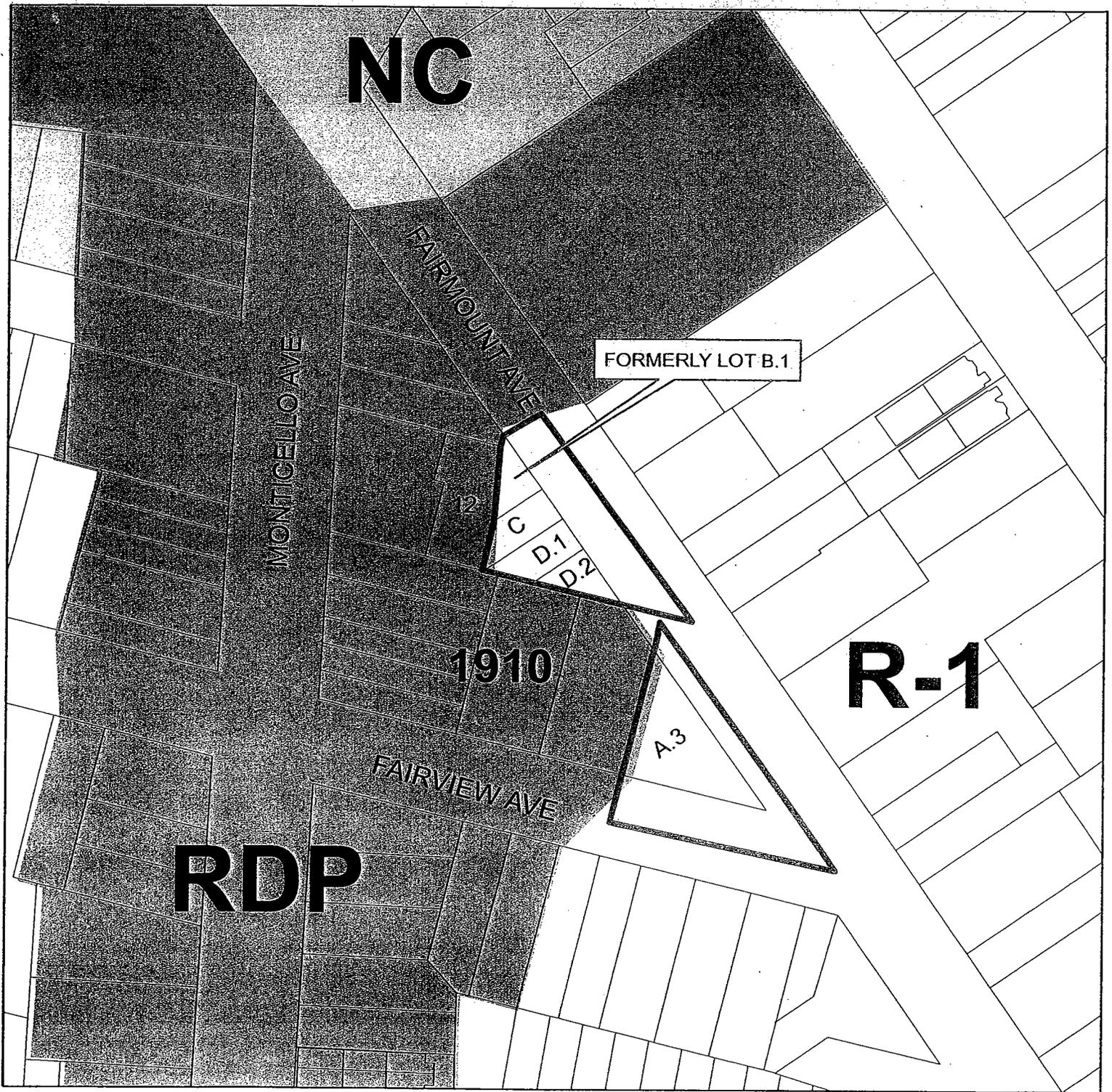
Criterion c applies to “Land that is owned by the municipality..., or unimproved vacant land that has remained so for a period of 10 years prior to adoption of the resolution, and that by reason of its...topography...is not likely to be developed through the instrumentality of private capital.” Block 1910, Lot D.1 qualifies as an Area in Need of Redevelopment under this criterion as it is a parcel owned by the City, vacant for more than 10 years, that by reason of its undersized, triangular shape and topography has not been and is not likely to be developed “through the instrumentality of private capital” as long as it remains in its current condition.

Criterion d applies to “Areas with buildings or improvements which, by reason of dilapidation, *obsolescence*, overcrowding, *faulty arrangement or design*, lack of ventilation, light and sanitary facilities, *excessive land coverage*, *deleterious land use or obsolete layout*, or *any combination of these or other factors*, are detrimental to the safety, health, morals, or welfare of the community.”

Block 1910, Lots C, D.1 and the applicable portion of Lot 12 all suffer from faulty arrangement or design, excessive land coverage, deleterious land use and obsolete layout. In addition, lot 12 contains an obsolete and somewhat dilapidated structure and use the presence of which creates a disincentive to conforming development and is detrimental to the safety health, and welfare of the surrounding community.

In addition to the above, the *Local Redevelopment and Housing Law (C.40A:12A-3)* speaks to the ability to include certain parcels in a redevelopment area that are not detrimental to the public health and safety or welfare of the area but the inclusion of which, with or without change in their condition, is necessary for the effective redevelopment of the area in which they are a part. Block 1910, Lot A.3 can be included in the Monticello Avenue Redevelopment Plan area under this criteria, even if it is not, in and of itself, detrimental to the public health, safety or welfare, and even if it does not meet any of the criteria for determining that it is, by itself, an “area in need of redevelopment” The inclusion of Lot A.3 to the Monticello Avenue Redevelopment Plan is necessary for the effective redevelopment of Block 1910 in order to create a more regular and appropriately sized parcel capable of accommodating appropriate redevelopment that is consistent with the goals and objectives of the Monticello Avenue Redevelopment Plan.

Therefore, staff of the Division of City Planning recommends that the Study Area be determined an “Area in Need of Redevelopment” as it qualifies for such determination under subsections c, d, and the Local Redevelopment and Housing Law (C.40A:12A-3),



MONTICELLO AVENUE EXTENSION STUDY AREA
BOUNDARY MAP

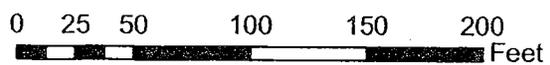
OCTOBER 9, 2008

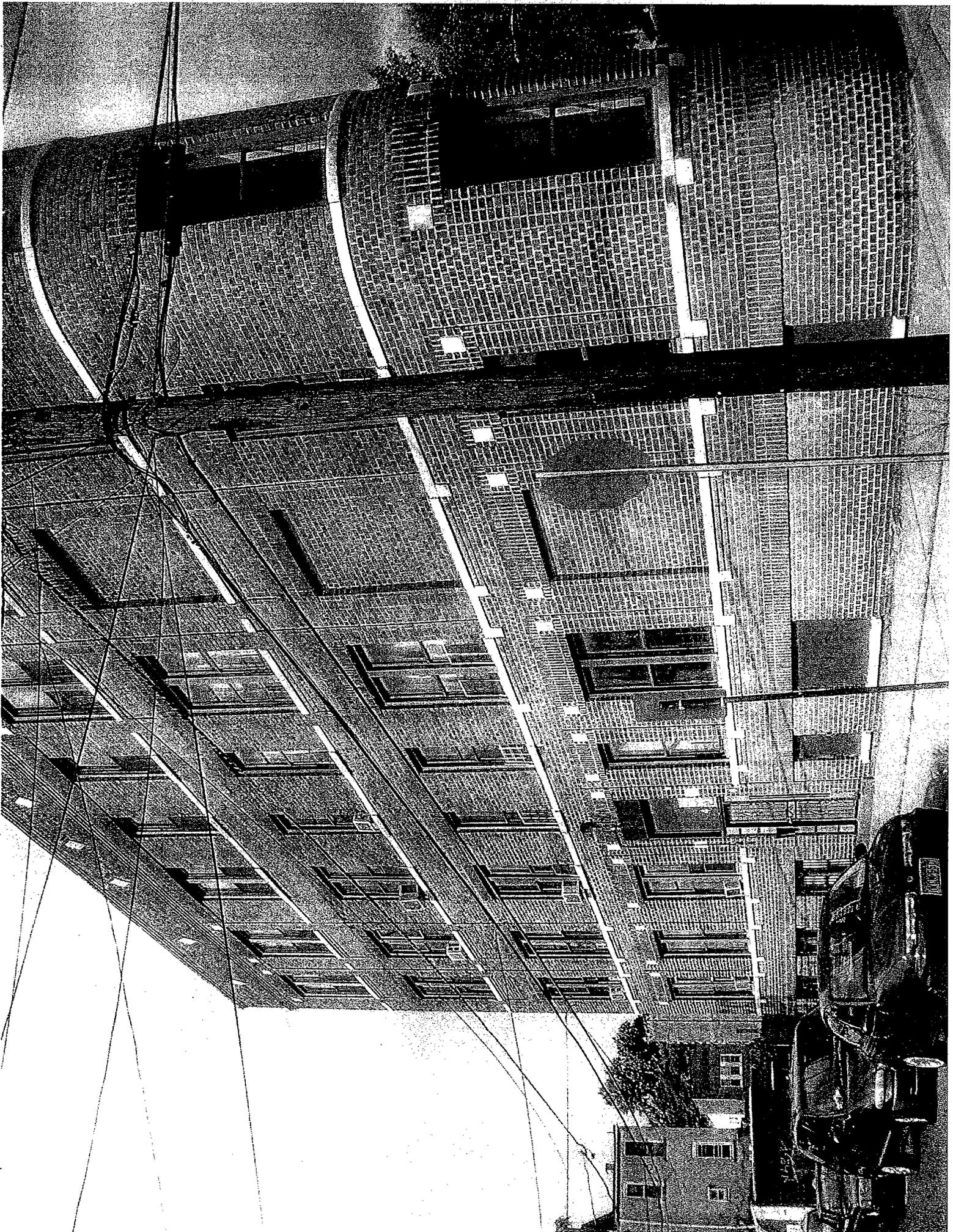


STUDY AREA

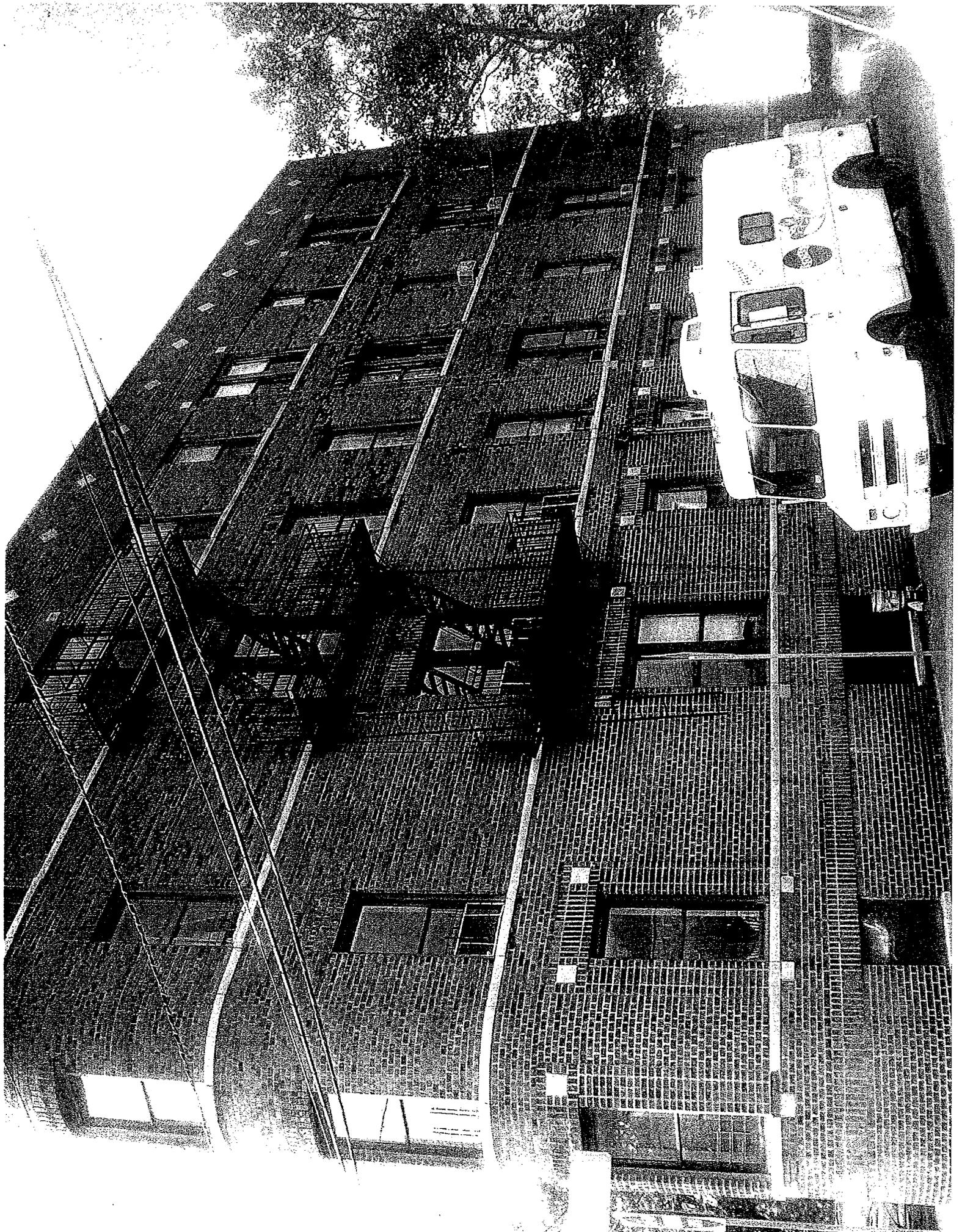


Jersey City
Planning Division
30 Montgomery Street Suite 1400
Jersey City, NJ 07302-3821
Phone: 201.547.5010
Fax: 201.547.4323

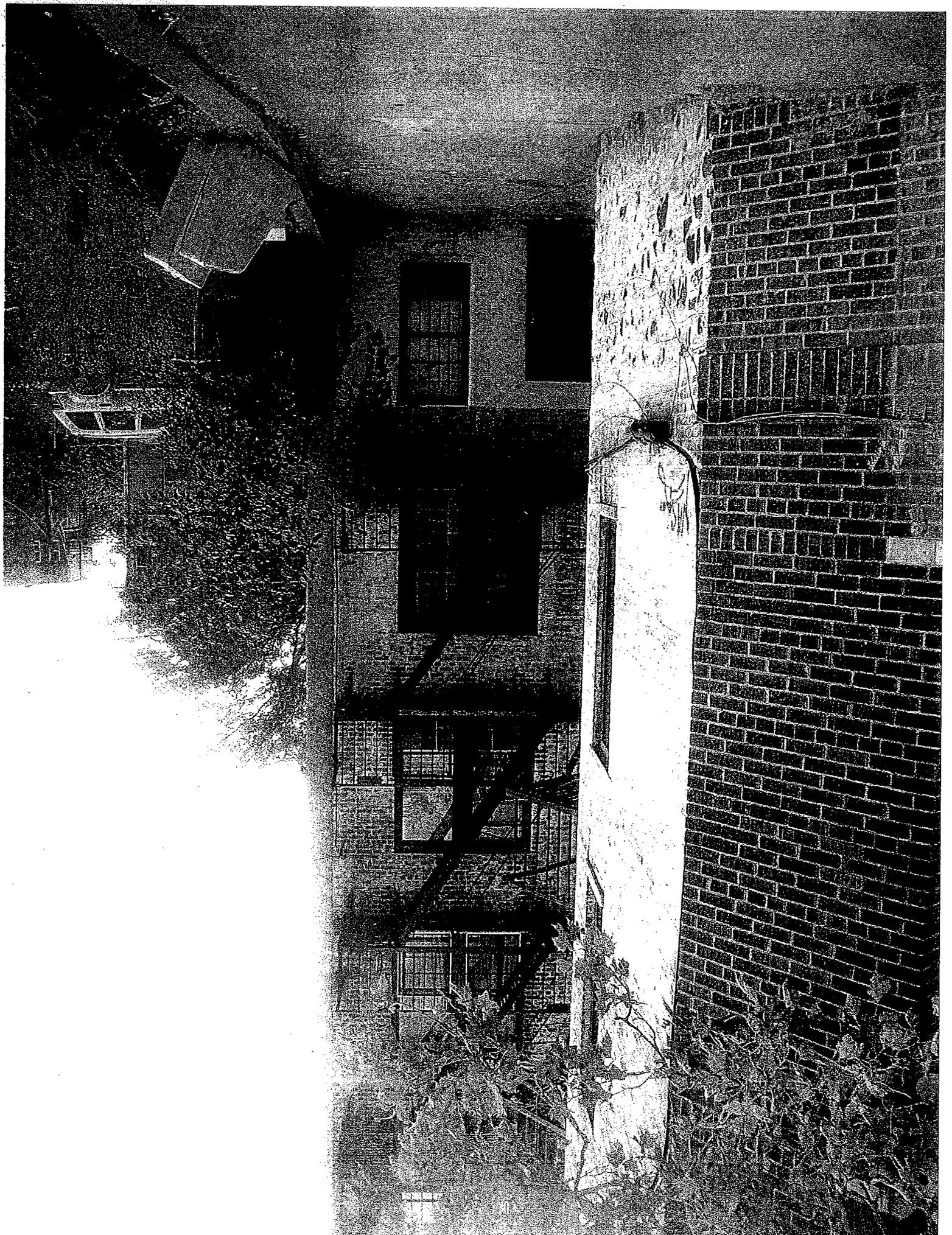




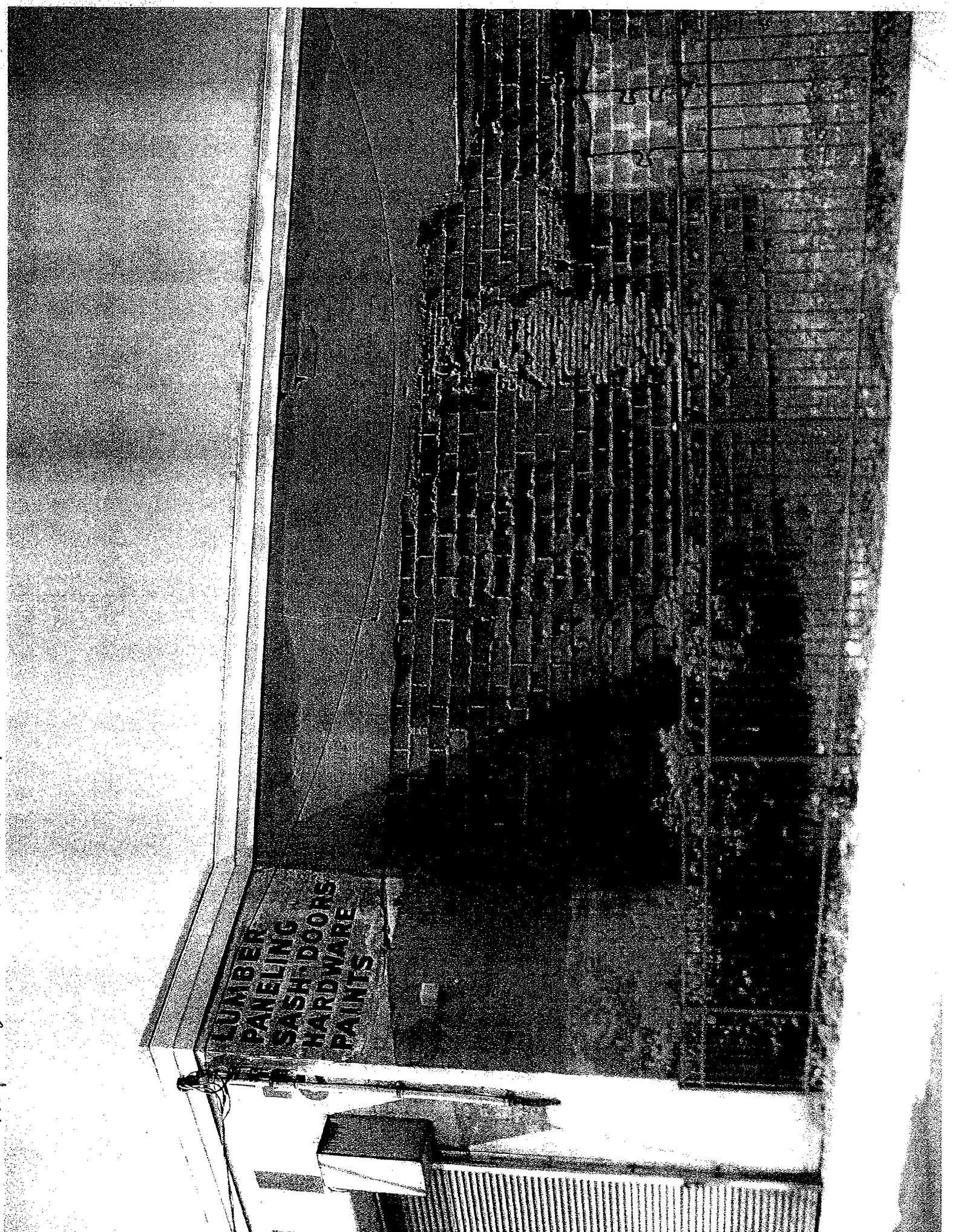
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LUMBER
PANELING
SASH DOORS
HARDWARE
PAINTS



AMM

Outlet

IRON-AGE
IRON WORKS CORP.
201-376-8365

NO
PARKING
ANY TIME

227

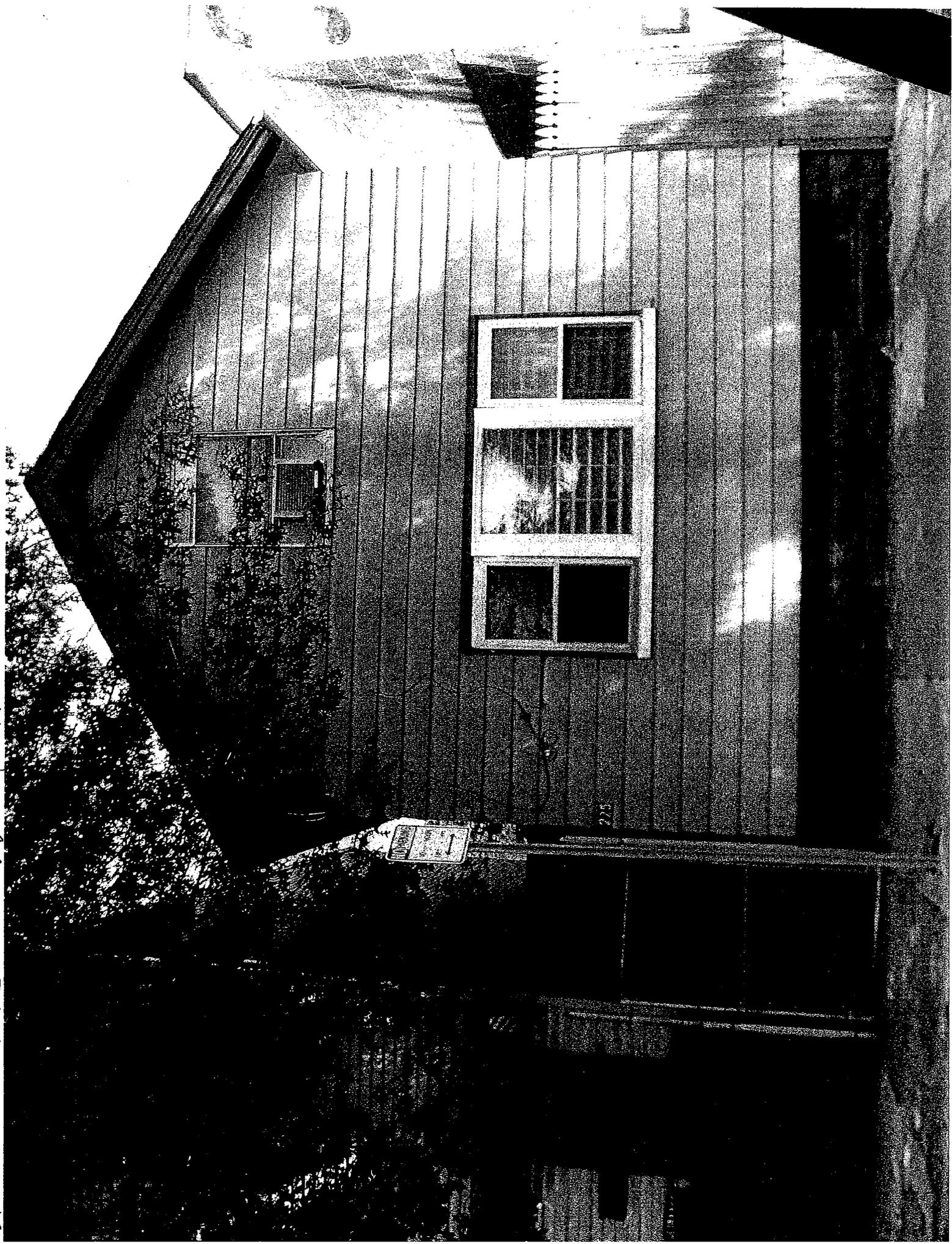
 **IRON-AGE**
IRON WORKS CORP.
STRUCTURAL STEEL FAB. WORKS
BEAMS • JOISTS • SLABS • BRICKS
201-376-8365

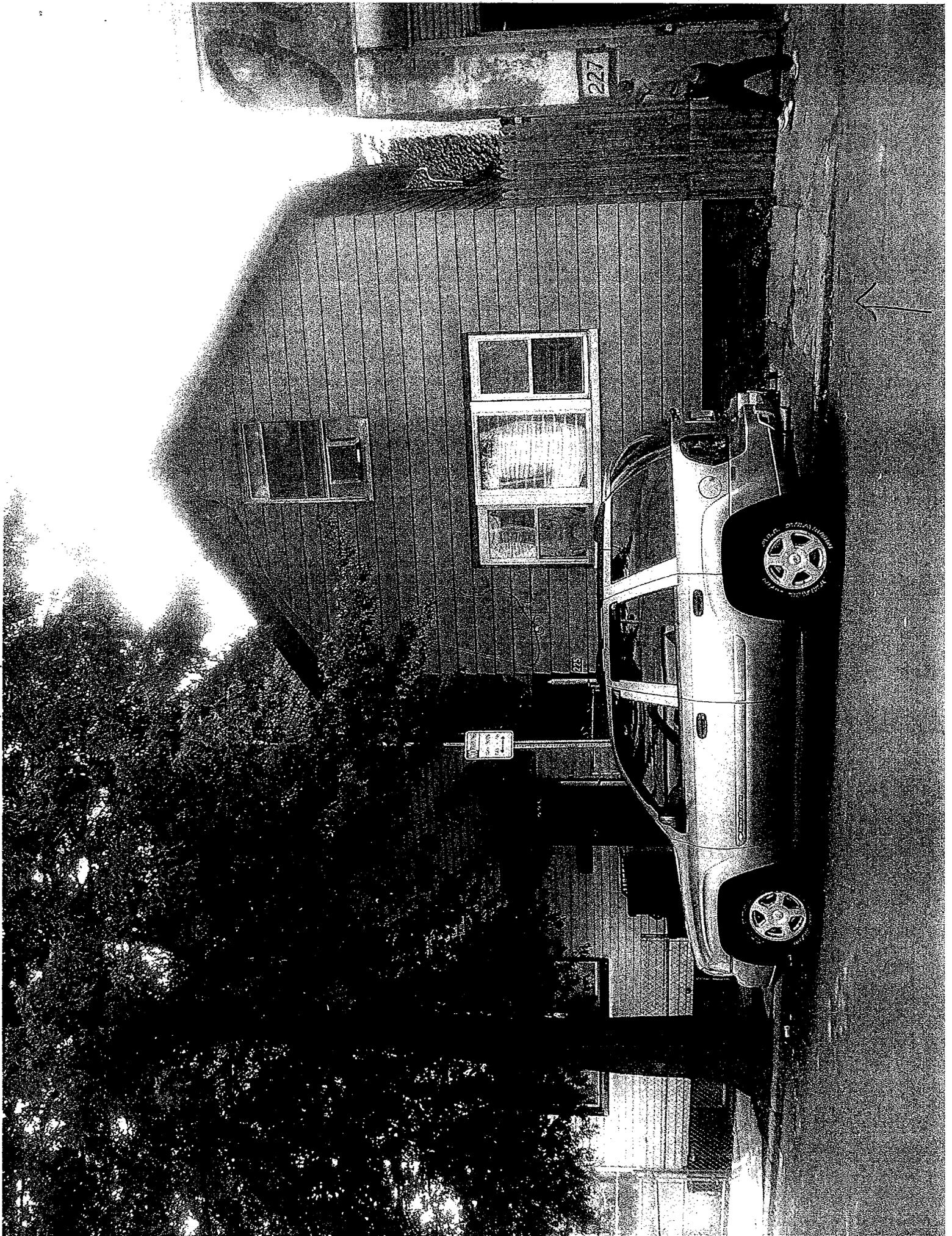
227

NO
PARKING
HANDLING

Garage





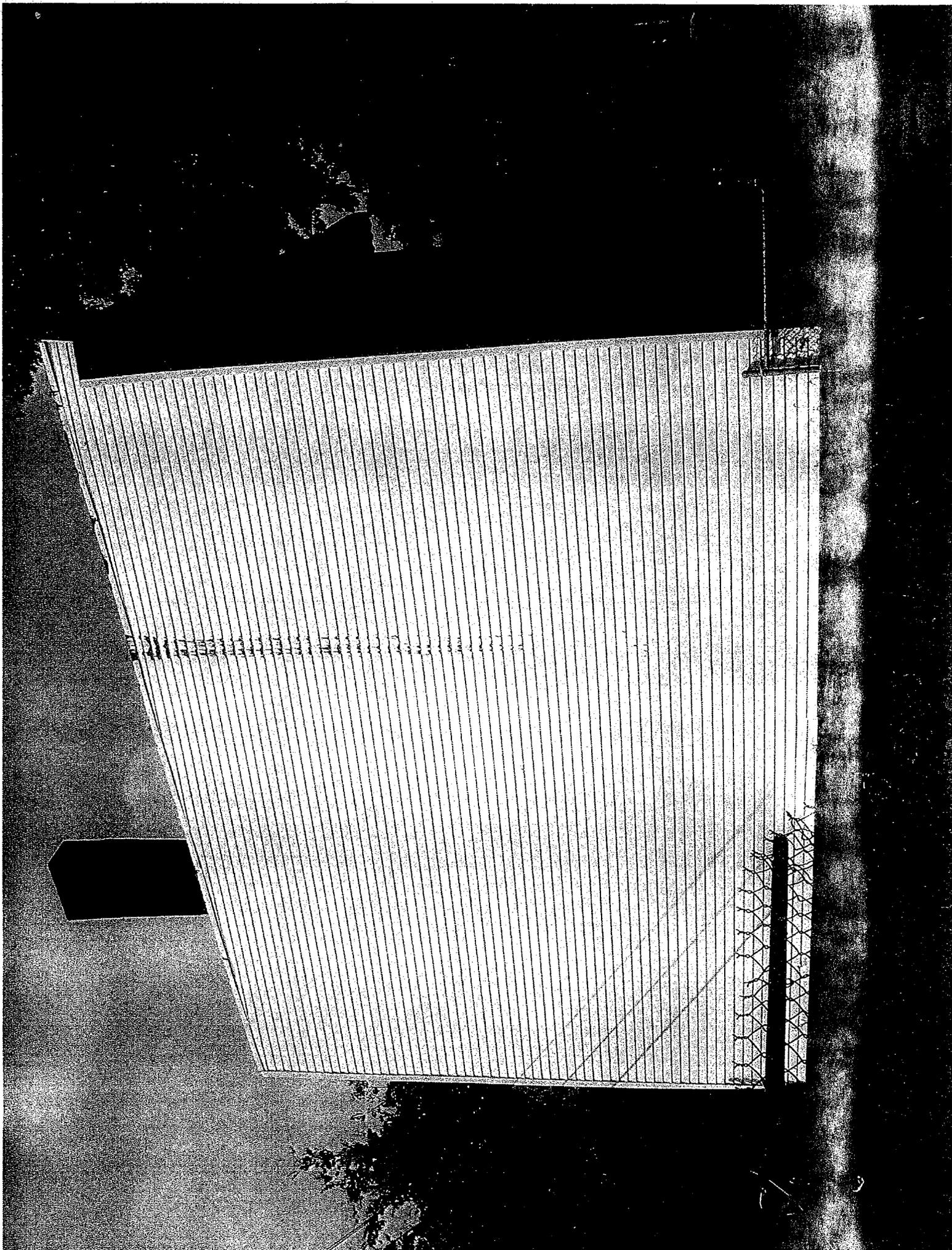


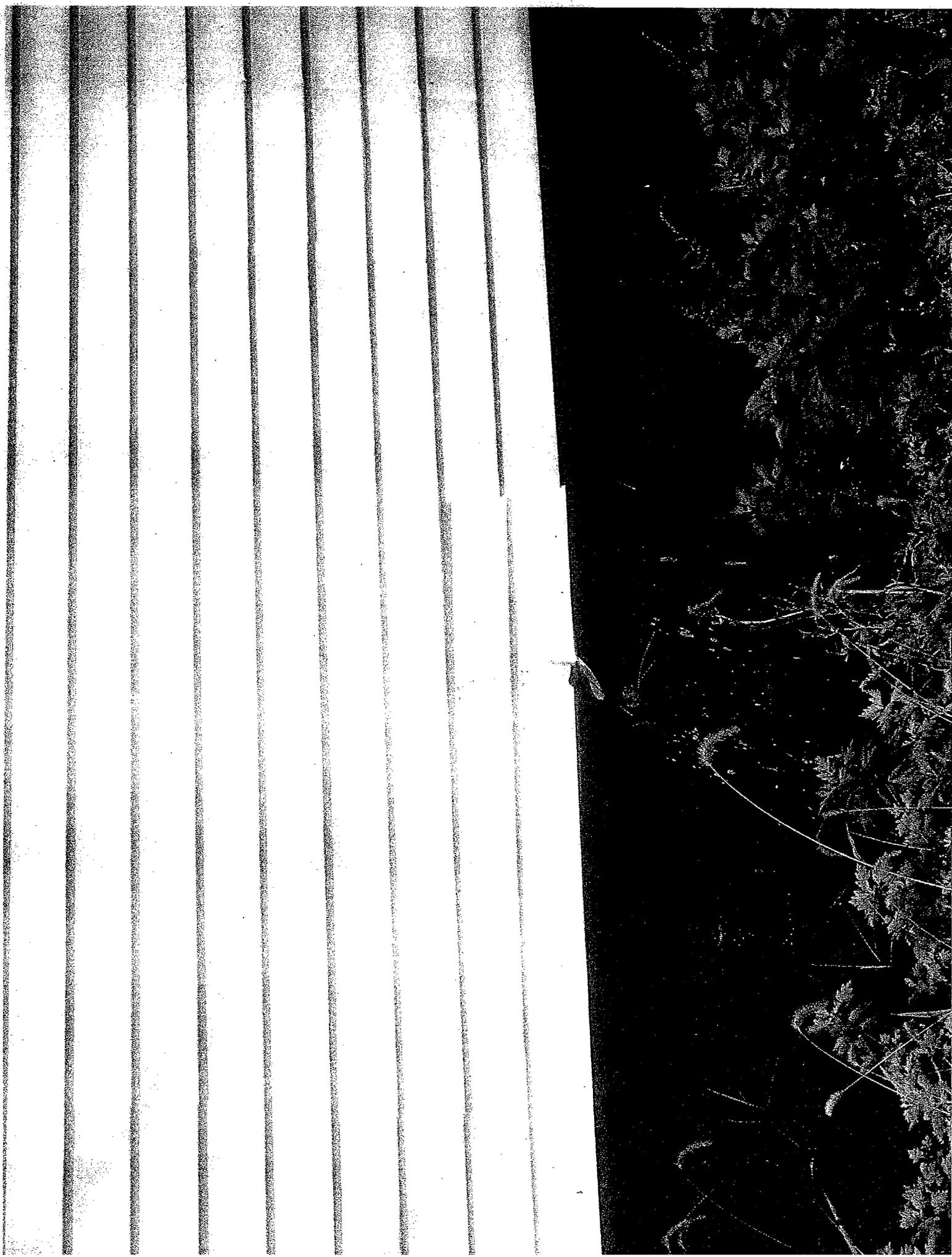
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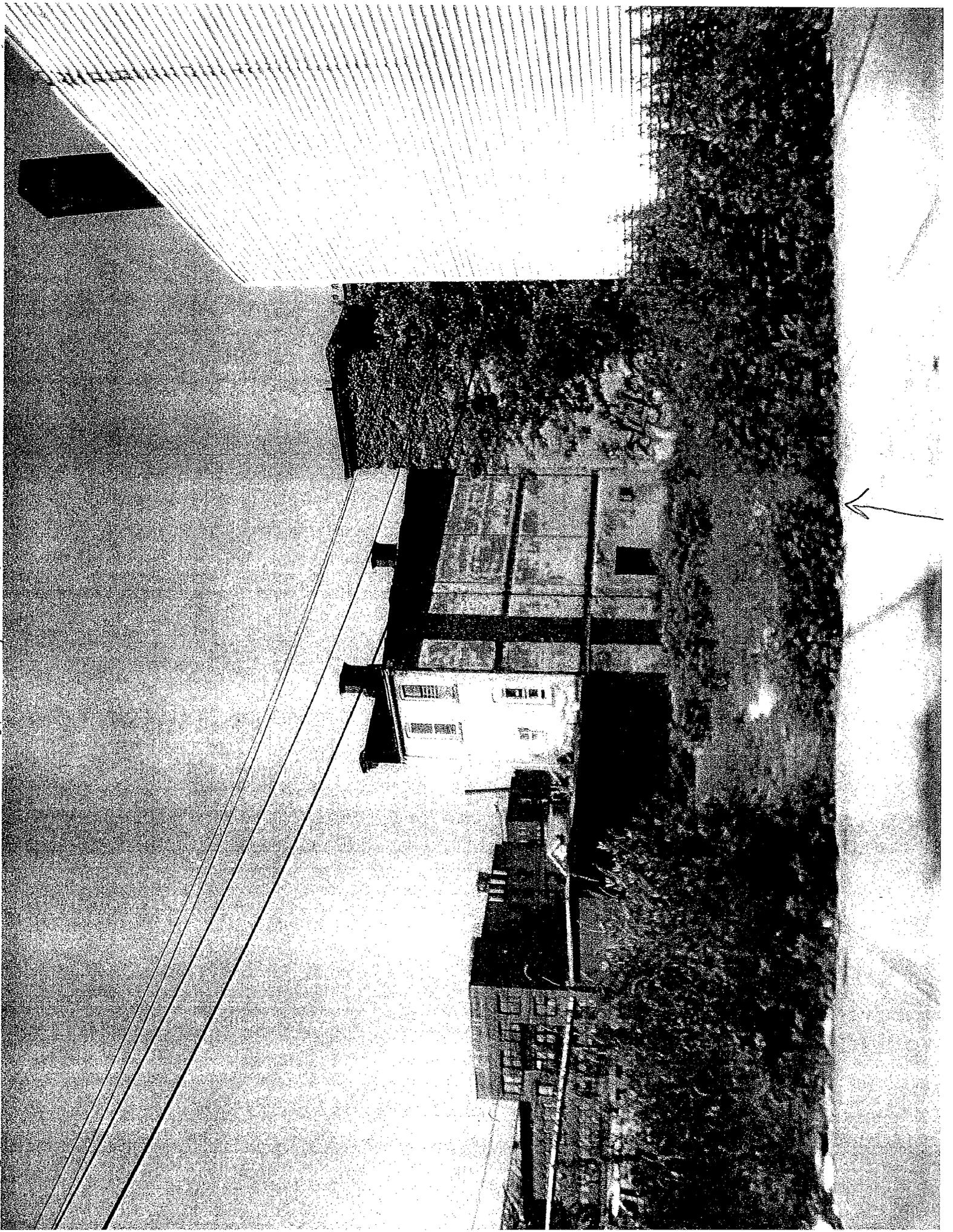
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NO PARKING
7:00 AM - 6:00 PM
MON - FRI









Handwritten notes on the left margin, including the number '100' at the top and '100' at the bottom, with some illegible scribbles in between.



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

Ord. 08-156

ORDINANCE NO. _____
 TITLE: 3.A. NOV 12 2008 4.A.



Ordinance of the Municipal Council of the City of Jersey City amending the Monticello Avenue Redevelopment Plan to incorporate the Monticello Avenue Extension Study Area.

RECORD OF COUNCIL VOTE ON INTRODUCTION								NOV 12 2008 9-0			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
SPINELLO				FULOP				FLOOD			
LIPSKI				RICHARDSON				VEGA, PRES.			

✓ Indicates Vote

N.V.-Not Voting (Abstain)

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

✓ Indicates Vote

N.V.-Not Voting (Abstain)

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

✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on NOV 12 2008

Adopted on second and final reading after hearing on _____

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

APPROVED:

 Robert Byrne, City Clerk

 Mariano Vega, Jr., Council President

Date: _____

APPROVED:

*Amendment(s):

 Jerramiah T. Healy, Mayor

Date _____

Date to Mayor _____

City Clerk File No. Ord. 08-157

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 08-157

**TITLE: ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY
ADOPTING AN AMENDMENT TO THE SCHOOL NO. 2 REDEVELOPMENT PLAN**

WHEREAS, the Local Redevelopment and Housing Law, (NJSA 40A:12A-1 et seq.) permits municipalities to adopt and amend regulations dealing with areas declared to be "in need of redevelopment;" and

WHEREAS, the Municipal Council of the City of Jersey City, adopted the School No. 2 Redevelopment Plan in September of 1984; and

WHEREAS, the amendment will change the parking requirement from a minimum to a maximum of ten (10) parking spaces and remove permission for a penthouse on the school building; and

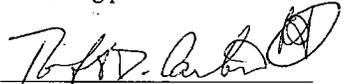
WHEREAS, the Jersey City Planning Board, at its meeting of November 5, 2008, voted to recommend to the Municipal Council to approve the amendment; and

WHEREAS, a copy of the proposed amendment to the School No. 2 Redevelopment Plan is attached hereto and made a part hereof, and is available for public inspection at the office of the City Clerk, City Hall, 280 Grove Street, JC, NJ;

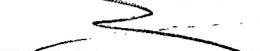
NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that the proposed Amendment to the School No. 2 Redevelopment Plan be, and hereby is, adopted.

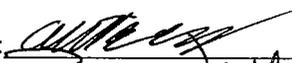
BE IT FURTHER ORDAINED THAT:

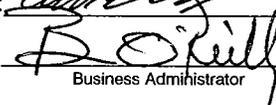
- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This ordinance shall be a part of the Jersey City Code as though codified and set forth fully herein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City 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 Council 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 repealers of existing provisions.


Robert D. Cotter, PP, AICP
Director, Division of City Planning

APPROVED AS TO LEGAL FORM


Corporation Counsel

APPROVED: 

APPROVED: 
Business Administrator

Certification Required

Not Required

ORDINANCE FACT SHEET

1. Full Title of Ordinance:

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY
ADOPTING AN AMENDMENT TO THE SCHOOL NO. 2 REDEVELOPMENT PLAN**

2. Name and Title of Person Initiating the Ordinance, etc.:

Carl Czaplicki, Director of Housing, Economic Development, and Commerce

3. Concise Description of the Program, Project or Plan Proposed in the Ordinance:

This ordinance amends the School No. 2 Redevelopment Plan to change the parking requirement from a minimum to a maximum of ten parking spaces and removes permission for a penthouse on the school building, as well as a standard deviation clause.

4. Reasons (Need) for the Proposed Program, Project, etc.:

To provide for development with greater consistency with the historic district.

5. Anticipated Benefits to the Community:

The reduction in parking requirement will allow for a more aesthetic first floor and development on a corner parking lot with greater consistency with development patterns in the historic district.

6. Cost of Proposed Plan, etc.:

\$0.00. Plan was prepared by Division of City Planning staff.

7. Date Proposed Plan will commence:

Upon Adoption.

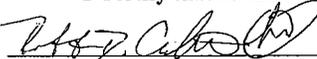
8. Anticipated Completion Date: N/A

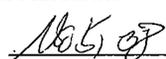
9. Person Responsible for Coordinating Proposed Program, Project, etc.:

Robert D. Cotter, Director, City Planning 547-5050

10. Additional Comments:

I Certify that all the Facts Presented Herein are Accurate.


Division Director


Date


Deputy Department Director Signature

NOV. 5, 2008
Date

Summary

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AN AMENDMENT TO THE SCHOOL NO. 2 REDEVELOPMENT PLAN

This ordinance amends the School No. 2 Redevelopment Plan to change the parking requirement from a minimum to a maximum of ten parking spaces and removes permission for a penthouse on the school building, as well as a standard deviation clause. The reduction in parking requirement will allow for a more aesthetic first floor and development on a corner parking lot with greater consistency with development patterns in the historic district.

AMENDMENT TO THE SCHOOL NO. 2 REDEVELOPMENT PLAN

PRESENTED TO THE JERSEY CITY PLANNING BOARD ON NOVEMBER 5, 2008

Material indicated by strikethrough like this is existing material that is intended to be deleted.

Material indicated by bold italic *like this* is new material that is intended to be enacted.

Page 4:

III. DESIGN OBJECTIVES

~~B) — One additional story of penthouse will be allowed provided it be set back then (10) ten feet from Erie Street and five (5) feet from any other roof edge. In lieu of a penthouse floor a rooftop garden/sitting area will be permitted. Similar setbacks shall prevail as for a penthouse.~~

B) A rooftop garden/sitting area is permitted on top of the school building provided it be set back ten (10) feet from any roof edge, and not visible from a public right of way.

Page 7:

VI. OTHER PROVISIONS NECESSARY TO MEET STATE AND LOCAL REQUIREMENTS

E) The Planning Board may grant deviations from the regulations contained within this Plan, where, by reason of exceptional narrowness, shallowness or shape of a specific piece of property, or by reason of exceptional topographic conditions, pre-existing structures or physical features uniquely affecting a specific piece of property, the strict application of any area, yard, bulk or design objective or regulation adopted pursuant to this Plan, would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardship upon, the developer of such property. The Planning Board may also grant a deviation from the regulations contained within this Plan related to a specific piece of property where the purposes of this Plan would be advanced by such deviation from the strict application of the requirements of this Plan; and the benefits of granting the deviation would outweigh any detriments. The Planning Board may grant exceptions or waivers from design standards, from the requirements for site plan or subdivision approval as may be reasonable and within the general purpose and intent of the provisions for site plan review and/or subdivision approval within this Plan, if the literal enforcement of one or more provisions of the plan is impracticable or would exact undue hardship because of peculiar conditions pertaining to the site. No deviations may be granted under the terms of this section unless such deviations can be granted without resulting in substantial detriment to the public good and will not substantially impair the intent and purpose of this Plan. No deviations may be granted which will result in permitting a use that is not a permitted use within this Plan. An application requesting a deviation from the requirements of this Plan shall provide public notice of such application in accordance with the public notice requirements set forth in NJSA 40:55D-12.a. & b.

Page 8:

V. LAND USE PLAN

A) Permitted Principal Uses

1. Residential

2. The cellar of the School 2 building may be used for storage, community meeting space, or building amenity space.

E) Parking

1. A ~~minimum~~ **maximum** of ten (10) parking spaces ~~must~~ **may** be provided.

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

Ord. 08-157

ORDINANCE NO. _____
 TITLE: **3.B.NOV 1 2 2008** **4.B.**



Ordinance of the Municipal Council of the City of Jersey
 City adopting an amendment to the School No. 2
 Redevelopment Plan.

RECORD OF COUNCIL VOTE ON INTRODUCTION											
NOV 1 2 2008 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	✓		

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

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
SPINELLO				FULOP				FLOOD			
LIPSKI				RICHARDSON				VEGA, PRES.			

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

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

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

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

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

Adopted on first reading of the Council of Jersey City, N.J. on NOV 1 2 2008

Adopted on second and final reading after hearing on _____

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

APPROVED:

 Robert Byrne, City Clerk

 Mariano Vega, Jr., Council President

Date: _____

APPROVED:

*Amendment(s):

 Jerramiah T. Healy, Mayor

Date _____

Date to Mayor _____

City Clerk File No. Ord. 08-158

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 08-158

**TITLE: ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY
ADOPTING AN AMENDMENT TO THE GRAND JERSEY REDEVELOPMENT PLAN
TO ALLOW PUBLIC PARKING GARAGES**

WHEREAS, the Local Redevelopment and Housing Law, (NJSA 40A:12A-1 et seq.) permits municipalities to adopt and amend regulations dealing with areas declared to be "in need of redevelopment;" and

WHEREAS, the Municipal Council of the City of Jersey City, adopted the Grand Jersey Redevelopment Plan on March 24, 1993; and

WHEREAS, the Plan was last amended on September 25, 2002 by Ordinance 02-110; and

WHEREAS, the amendment allows for public parking garages to be a permitted use; and

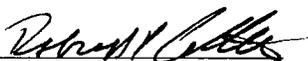
WHEREAS, the Jersey City Planning Board, at its meeting of October 15, 2008, voted unanimously to recommend to the Municipal Council that public parking garages should be a permitted use; and

WHEREAS, a copy of the proposed amendment to the Grand Jersey Redevelopment Plan is attached hereto and made a part hereof, and is available for public inspection at the office of the City Clerk, City Hall, 280 Grove Street, JC, NJ;

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that the proposed Amendment to the Grand Jersey Redevelopment Plan be, and hereby is, adopted.

BE IT FURTHER ORDAINED THAT:

- 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 set forth fully herein. 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 Council 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 repealers of existing provisions.


Robert D. Coiter, PP, AICP
Director, Division of City Planning

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED: 

APPROVED: 

Business Administrator

Certification Required

Not Required

ORDINANCE FACT SHEET

1. Full Title of Ordinance:

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY
ADOPTING AN AMENDMENT TO THE GRAND JERSEY REDEVELOPMENT PLAN
TO ALLOW PUBLIC PARKING GARAGES**

2. Name and Title of Person Initiating the Ordinance, etc.:

Carl Czaplicki, Director of Housing, Economic Development, and Commerce

3. Concise Description of the Program, Project or Plan Proposed in the Ordinance:

This ordinance amends the Grand Jersey Redevelopment Plan to allow public parking garages as a permitted principal use.

4. Reasons (Need) for the Proposed Program, Project, etc.:

The future site of a municipal parking garage has been located within the Grand Jersey Redevelopment Plan. Currently the plan does not allow for a public parking garage that is open to commuters and users from outside of the redevelopment plan.

5. Anticipated Benefits to the Community:

This amendment is beneficial to the community within the Plan as well as the adjacent neighborhoods. By allowing a municipal garage, the community will have more options within close proximity to their homes and transit stations.

6. Cost of Proposed Plan, etc.:

\$0.00. Plan was prepared by Division of City Planning staff.

7. Date Proposed Plan will commence:

Upon Adoption.

8. Anticipated Completion Date: N/A

9. Person Responsible for Coordinating Proposed Program, Project, etc.:

Robert D. Cotter, Director, City Planning 547-5050

10. Additional Comments:

I Certify that all the Facts Presented Herein are Accurate.

Robert D. Cotter
Division Director

OCT 27, 2008
Date

Carl Czaplicki
Department Director Signature

10/27/08
Date

Proposed Amendments to the Grand Jersey Redevelopment Plan
Recommended by the Planning Board
To the City Council on October 15, 2008

Material indicated by strikethrough like ~~this~~ is existing material that is intended to be deleted.
Material indicated by bold italic *like this* is new material that is intended to be enacted.

VII. General Land Use Plan

A. Grand Jersey District

1. Principal Uses

- a. Residential uses
- b. Hospitals and related care uses, including, but not limited to: nursing, rehabilitation and convalescent facilities, medical office buildings and ambulatory care facilities
- c. Parking facilities, but not including commuter parking, except to serve other uses within this, or adjoining, redevelopment area(s)
- d. ***Public Parking Garages***
- ~~d.~~ e. Retail Sales of Goods and Services
- ~~e.~~ f. Restaurants, Banquet facilities, Nightclubs, Cafes, Bars
- ~~f.~~ g. Public and Semi-public uses
- ~~g.~~ h. Utilities
- ~~h.~~ i. Schools, Colleges and related facilities
- ~~i.~~ j. Sports, Heath and Recreation facilities
- ~~j.~~ k. Offices
- ~~k.~~ l. Hotel, Conference/Convention and Exhibition Centers
- ~~l.~~ m. Theaters, Museums
- ~~m.~~ n. Day Care facilities
- ~~n.~~ o. Parks, Open Space
- ~~o.~~ p. Mixed Use of the above
- ~~p.~~ q. Television broad television transmission tower with public observation deck, limited to the area south of Mill Creek, east of the New Jersey Turnpike, north of Johnston Avenue/Zapp Drive and west of the Tidewater Basin. Due to its unique design requirements, such tower shall not be subject to the regulations and design requirements imposed on the standard land uses permitted in this redevelopment plan. Such television transmission tower shall be subject to Planning Board site plan review and approval. The Planning Board review shall be directed to architectural design, parking, landscaping and signage as well as public access and safety.

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

Ord. 08-158

ORDINANCE NO. _____

3.C. NOV 12 2008 **4.C.**

TITLE: _____

Ordinance of the Municipal Council of the City of Jersey
City adopting an amendment to the Grand Street
Redevelopment Plan to allow public parking garages.



RECORD OF COUNCIL VOTE ON INTRODUCTION											
NOV 12 2008 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
SPINELLO				FULOP				FLOOD			
LIPSKI				RICHARDSON				VEGA, PRES.			

✓ Indicates Vote

N.V.-Not Voting (Abstain)

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

✓ Indicates Vote

N.V.-Not Voting (Abstain)

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

✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on NOV 12 2008

Adopted on second and final reading after hearing on _____

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

APPROVED:

Robert Byrne, City Clerk

Mariano Vega, Jr., Council President

Date: _____

APPROVED:

*Amendment(s):

Jerramiah T. Healy, Mayor

Date _____

Date to Mayor _____

City Clerk File No. Ord. 08-159

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 **08-159**

**TITLE: ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY
AMENDING THE STORMWATER CONTROL ORDINANCE (NO. 07-056)**

WHEREAS, as stated in NJAC7:8-4.4, the NJDEP requires all municipal stormwater control ordinances, after adoption by the municipality, to be approved by the county in which the municipality is located,

WHEREAS, the JCMUA, as the City coordinating agency on stormwater issues, sent a copy of the adopted Jersey City Stormwater Management Plan and Control Ordinance to the Hudson County Division of Planning on May 1, 2007 for their review and approval,

WHEREAS, Hudson County Planning Board, based on the review and recommendation by their consultant T&M Associates, passed a resolution on Sept. 19, 2007 conditionally approving the Jersey City Stormwater Management Plan and Control Ordinance provided that the City submit copies of the revised plan and ordinance to the Board within 180 days of said resolution,

WHEREAS, JCMUA resubmitted revised Stormwater Management Plan and Control Ordinance to the County on March 5, 2008 that addressed all comments provided earlier by the County,

WHEREAS, JCMUA, in its letter dated July 30, 2008, addressed additional comments received from T&M Associates acting on the County's behalf,

WHEREAS, T&M Associates, in their letter dated August 26, 2008, now recommends that the County formally approve the revised Jersey City Stormwater Management Plan and Control Ordinance once they have been adopted by the City and resubmitted to the County,

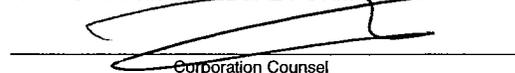
NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that amendments to the Stormwater Control Ordinance be adopted

BE IT FURTHER ORDAINED THAT:

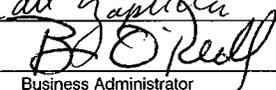
- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This ordinance shall be a part of the Jersey City Code as though codified and set forth fully herein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City 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 Council 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 repealers of existing provisions.


Robert D. Cotter, PP, AICP
Planning Director

APPROVED AS TO LEGAL FORM


Corporation Counsel

APPROVED: 

APPROVED: 
Business Administrator

Certification Required

Not Required

ORDINANCE FACT SHEET

1. Full Title of Ordinance:

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY AMENDING THE STORMWATER CONTROL ORDINANCE (NO. 07-056)

2. Name and Title of Person Initiating the Ordinance:

Joseph Beckmeyer, PE, Chief Engineer

3. Concise Description of the Program, Project or Plan Proposed in the Ordinance:

The following changes are being proposed for the existing Stormwater Control Ordinance (07-056) based on comments from Hudson County Planning Dept.

- Definition of "Person" shall be revised to include the City of Jersey City
- Table 1 "Water Quality Design Storm Distribution" under Section G of the ordinance shall be replaced with the table provided in model NJDEP ordinance.

4. Reasons (Need) for the Proposed Program, Project, etc.:

These changes are required for Hudson County approval

5. Anticipated Benefits to the Community:

N/A, existing ordinance

6. Cost of Proposed Project:

There are no new costs to the City as all work involved in this amendment has been done by in-house staff.

7. Date Proposed Program or Project will commence: Immediately upon adoption

8. Anticipated Completion Date: Not Applicable (This is enabling legislation.)

9. Person Responsible for Coordinating Proposed Program, Project, etc.:

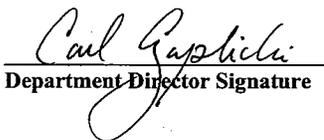
Robert D. Cotter, City Planning Director 201-547-5050

10. Additional Comments:

I Certify that all the Facts Presented Herein are Accurate.


Division Director Signature

10/27/08
Date


Department Director Signature

10/28/08
Date

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

Ord. 08-159

ORDINANCE NO. _____

3.D. NOV 12 2008 4.D.

TITLE: _____

Ordinance of the Municipal Council of the City of Jersey
City amending the Stormwater Control Ordinance. (Ord.07-
056)



RECORD OF COUNCIL VOTE ON INTRODUCTION								NOV 12 2008 9-0			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
SPINELLO				FULOP				FLOOD			
LIPSKI				RICHARDSON				VEGA, PRES.			

✓ Indicates Vote

N.V.-Not Voting (Abstain)

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

✓ Indicates Vote

N.V.-Not Voting (Abstain)

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

✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on NOV 12 2008

Adopted on second and final reading after hearing on _____

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

APPROVED:

Robert Byrne, City Clerk

Mariano Vega, Jr., Council President

Date: _____

APPROVED:

*Amendment(s):

Jerramiah T. Healy, Mayor

Date _____

Date to Mayor _____

City Clerk File No. Ord. 08-160

Agenda No. 3.E 1st Reading

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



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 08-160

**TITLE: ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY
ADOPTING AN AMENDMENT TO THE DIXON CRUCIBLE REDEVELOPMENT
PLAN TO ALLOW RESTAURANTS AND CAFES AS A PRINCIPAL USE**

WHEREAS, the Local Redevelopment and Housing Law, (NJSA 40A:12A-1 et seq.) permits municipalities to adopt and amend regulations dealing with areas declared to be "in need of redevelopment;" and

WHEREAS, the Municipal Council of the City of Jersey City, adopted the Dixon Crucible Redevelopment Plan on August 10, 1983; and

WHEREAS, the current Plan permits restaurants and cafes as an "accessory" use; and

WHEREAS, the amendment changes the permitted use of restaurants and cafes to a "principal" use; and

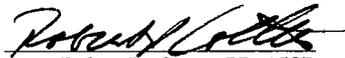
WHEREAS, the Jersey City Planning Board, at its meeting of October 15, 2008, voted unanimously to recommend to the Municipal Council that restaurants and cafes should be a permitted "principal" use; and

WHEREAS, a copy of the proposed amendment to the Dixon Crucible Redevelopment Plan is attached hereto and made a part hereof, and is available for public inspection at the office of the City Clerk, City Hall, 280 Grove Street, JC, NJ;

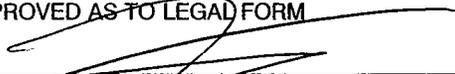
NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that the proposed Amendment to the Dixon Crucible Redevelopment Plan be, and hereby is, adopted.

BE IT FURTHER ORDAINED THAT:

- 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 set forth fully herein. 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 Council 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 repealers of existing provisions.


Robert D. Cotter, PP, AICP
Director, Division of City Planning

APPROVED AS TO LEGAL FORM


Corporation Counsel

APPROVED:

APPROVED:


Business Administrator

Certification Required

Not Required

ORDINANCE FACT SHEET

1. Full Title of Ordinance:

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY
ADOPTING AN AMENDMENT TO THE DIXON CRUCIBLE REDEVELOPMENT
PLAN TO ALLOW RESTAURANTS AND CAFES AS A PRINCIPAL USE**

2. Name and Title of Person Initiating the Ordinance, etc.:

Carl Czaplicki, Director of Housing, Economic Development, and Commerce

3. Concise Description of the Program, Project or Plan Proposed in the Ordinance:

This ordinance amends the Dixon Crucible Redevelopment Plan to allow restaurants and cafes as a permitted principal use instead of an accessory use.

4. Reasons (Need) for the Proposed Program, Project, etc.:

The definition of an accessory use infers that any restaurants or cafes within the current Plan area can only be used by residents of the Plan area. The permitted use of restaurants and cafes is an issue of an interpretation technicality and should be allowed for the general public.

5. Anticipated Benefits to the Community:

The amendment to allow for restaurants and cafes to be a principal use will open up the amenity to the community outside the boundaries of the Plan.

6. Cost of Proposed Plan, etc.:

\$0.00. Plan was prepared by Division of City Planning staff.

7. Date Proposed Plan will commence:

Upon Adoption.

8. Anticipated Completion Date: N/A

9. Person Responsible for Coordinating Proposed Program, Project, etc.:

Robert D. Cotter, Director, City Planning 547-5050

10. Additional Comments:

I Certify that all the Facts Presented Herein are Accurate.


Division Director

OCT 27, 2008
Date


Department Director Signature

10/27/08
Date

Proposed Amendments to the Dixon Crucible Redevelopment Plan
Recommended by the Planning Board
To the City Council on October 15, 2008

Material indicated by strikethrough like ~~this~~ is existing material that is intended to be deleted.
Material indicated by bold italic *like this* is new material that is intended to be enacted.

Article VIII: Land Use Provisions

Dixon District

Principal Permitted Uses

1. Residential
2. Offices – limited to those that existed at the adoption of this ordinance.
3. Retail Sales of Goods and Services
4. Community Health/Recreation Facilities
5. Designed Open Space
6. Cultural Facilities
7. ***Restaurants and Cafés including sidewalk and rooftop dining areas.***

Accessory Uses

1. Parking facilities including:
 - surface lots
 - underground areas
 - multi-level decks (limited to fifty (50) feet overall height and only in the areas outside
- ~~2. Restaurants and Cafes including sidewalk and rooftop dining areas.~~
- ~~3.~~ 2. Theatres

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

Ord. 08-160

ORDINANCE NO. 3.E. NOV 12 2008 4.E.

TITLE:

Ordinance of the Municipal Council of the City of Jersey City adopting an amendment to the Dixon Crucible Redevelopment Plan to allow restaurants and cafes as a principal use.



RECORD OF COUNCIL VOTE ON INTRODUCTION											
NOV 12 2008 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	✓		

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

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
SPINELLO				FULOP				FLOOD			
LIPSKI				RICHARDSON				VEGA, PRES.			

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

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

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

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

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

Adopted on first reading of the Council of Jersey City, N.J. on NOV 12 2008

Adopted on second and final reading after hearing on _____

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

APPROVED:

Robert Byrne, City Clerk

Mariano Vega, Jr., Council President

Date: _____

APPROVED:

*Amendment(s):

Jerramiah T. Healy, Mayor

Date _____

Date to Mayor _____

City Clerk File No. Ord. 08-161
Agenda No. 3.F 1st Reading
Agenda No. 4.F 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 08-161

TITLE:

A ORDINANCE GRANTING PERMISSION TO PRONTI CONSTRUCTION, INC., ITS SUCCESSORS AND ASSIGNS, TO MAKE PRIVATE IMPROVEMENTS IN THE BARROW STREET AND WAYNE STREET PUBLIC RIGHTS OF WAY ADJACENT TO THE PROPERTY LOCATED AT 307 BARROW STREET, JERSEY CITY, NEW JERSEY, ALSO KNOWN ON THE TAX MAPS OF THE CITY OF JERSEY CITY AS BLOCK 273, LOT E.

The Municipal Council of the City of Jersey City does hereby ordain:

WHEREAS, Pronti Construction, Inc., having offices located 192 Christopher Columbus Drive, Jersey City, New Jersey 07302, is the owner of the property located at 307 Barrow Street, Jersey City, and known as Block 273, Lot E on the current tax maps of the City of Jersey City ("Property"); and

WHEREAS, pursuant to a Resolution for the Preliminary and Final Site Plan Approval, Case #Z07-059, the Zoning Board of Adjustment granted approval to develop a five (5) story building with twelve (12) residential units and twelve (12) on site parking spaces in connection with the Property; and

WHEREAS, part of the development approval granted in Case #Z07-059 includes the construction of separate planting beds enclosed in fencing, and entry stairs, within a portion of the Wayne Street and Barrow Street public rights-of-way, which is more particularly depicted and described in the Franchise Plans, Exhibits A and B, attached hereto; and

WHEREAS, the construction of the planting and fencing areas, and the entry stairs, is the result of the recommendation of the Historic Preservation Commission for aesthetic and historic preservation purposes to match existing fence lines, setbacks, and entry stairs along the street, as stated in the Resolution attached hereto as Exhibit C, attached hereto; and

WHEREAS, the Petitioner was required to file the Petition for a Franchise Ordinance as a condition of its approval; and

WHEREAS, there will remain sufficient area in the right-of-way for pedestrian use (at least five [5] unobstructed feet), and the proposed private improvements will not impede or have a negative impact on typical pedestrian use; and

WHEREAS, Pronti Construction, Inc. 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 Pronti Construction, Inc. to grant permission to construct private improvements within the public right-of-way for the following purposes:

1. The contemplated improvements will include the installation of separate planting beds with fencing, and entry stairs, to be located within the public rights-of-way.
2. 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 Building Department approved 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 rights-of-way; and

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

A FRANCHISE ORDINANCE GRANTING PERMISSION TO PRONTI CONSTRUCTION, INC., ITS SUCCESSORS AND ASSIGNS, TO MAKE PRIVATE IMPROVEMENTS IN THE BARROW STREET AND WAYNE STREET PUBLIC RIGHTS OF WAY ADJACENT TO THE PROPERTY LOCATED AT 307 BARROW STREET, JERSEY CITY, NEW JERSEY, ALSO KNOWN ON THE TAX MAPS OF THE CITY OF JERSEY CITY AS BLOCK 273, LOT E.

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 Pronti Construction, Inc., its successors and assigns, to complete private improvements to a portion of lands located within the public rights of way adjacent to 307 Barrow Street, Jersey City, and known as Block 273, Lot E on the current tax maps of the City of Jersey City, said areas being more particularly described as follows and on the plan, survey with metes and bounds description and foundation plan attached hereto as Exhibit A and Exhibit B respectively.

1. The contemplated improvements will include the installation of separate planting beds with fencing, and entry stairs, to be located within the public rights-of-way.
2. There will remain sufficient area in the right-of-way (at least five [5] unobstructed feet) for typical pedestrian use.
3. The contemplated 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.

AN ORDINANCE GRANTING PERMISSION TO PRONTI CONSTRUCTION, INC., ITS SUCCESSORS AND ASSIGNS, TO MAKE PRIVATE IMPROVEMENTS IN THE BARROW STREET AND WAYNE STREET PUBLIC RIGHTS OF WAY ADJACENT TO THE PROPERTY LOCATED AT 307 BARROW STREET, JERSEY CITY, NEW JERSEY, ALSO KNOWN ON THE TAX MAPS OF THE CITY OF JERSEY CITY AS BLOCK 273, LOT E.

4. All costs associated with these improvements will be incurred by the Petitioner.
5. The contemplated 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. Pronti Construction, Inc., 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 Pronti Construction, Inc.

SECTION V. In accepting the privileges of this Ordinance and the installation, maintenance and use hereby authorized, Pronti Construction, Inc., 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. Pronti Construction, Inc., 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.

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. 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.

A FRANCHISE ORDINANCE GRANTING PERMISSION TO PRONTI CONSTRUCTION, INC., ITS SUCCESSORS AND ASSIGNS, TO MAKE PRIVATE IMPROVEMENTS IN THE BARROW STREET AND WAYNE STREET PUBLIC RIGHTS OF WAY ADJACENT TO THE PROPERTY LOCATED AT 307 BARROW STREET, JERSEY CITY, NEW JERSEY, ALSO KNOWN ON THE TAX MAPS OF THE CITY OF JERSEY CITY AS BLOCK 273, LOT E.

SECTION VIII. 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 IX. 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 X.

- 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.

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, Pronti Construction, Inc., having offices located 192 Christopher Columbus Drive, Jersey City, New Jersey 07302, respectfully says that:

1. Petitioner is the owner of the property located at 307 Barrow Street, Jersey City, and known as Block 273, Lot E., on the current tax maps of the City of Jersey City (the "property"). The Petitioner is proposing to develop a five (5) story building with twelve (12) residential units, and twelve (12) on site parking spaces in connection with the property.

2. The Jersey City Zoning Board of Adjustment approved the development consistent with the recommendation from the Historic Preservation Commission that fencing and landscaping, and entry stairs, be constructed in the Barrow Street and Wayne Street public rights-of-way to match existing fence lines, setbacks, and entry stairs, along the street for aesthetic and historic preservation purposes.

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

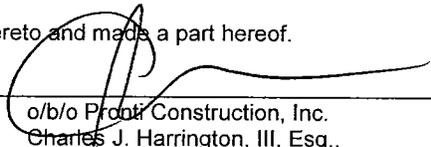
A. The contemplated improvements will include the installation of separate planting beds with fencing, and entry stairs, to be located within the public rights-of-way along Wayne Street and Barrow Street.

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

4. Petitioner has presented the proposed improvements to the Jersey City Zoning Officer and Building Department, which have approved proposed improvements conditioned upon the Petitioner 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 Petitioner's property and the surrounding area and neighborhood.

WHEREFORE, your Petitioner respectfully prays for itself, its successors and assigns, for the enactment of a Franchise Ordinance to allow it to make private improvements within and under the sidewalk area of the public rights-of-way of Wayne Street and Barrow Street, all as more particularly shown on the plans annexed hereto and made a part hereof.

By: 
o/b/o Pronti Construction, Inc.
Charles J. Harrington, III, Esq.,
Attorney for the Petitioner

**RESOLUTION OF THE ZONING BOARD OF ADJUSTMENT
OF THE CITY OF JERSEY CITY**

APPLICANT: **307 BARROW STREET, LLC**

FOR: **PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL
WITH "C" AND "D" VARIANCES
307 BARROW STREET, JERSEY CITY, NEW JERSEY
BLOCK 273, LOT E**

CASE NO.: **Z07-059**

WHEREAS, the Applicant, **307 BARROW STREET, LLC, (the "Applicant")**, per **Connell Foley, LLC**, (Charles J. Harrington, III, Esq., appearing) made application to the Zoning Board of Adjustment of the City of Jersey City, County of Hudson and State of New Jersey, for variances pursuant to N.J.S.A. 40:55D-70(c) (rear yard setback; building and lot coverage; and parking aisle width) and N.J.S.A. 40:55D-70(d) (use and height), and for Preliminary and Final Major Site Plan Approval, to wit: Calendar No. Z07-059, to develop the lot with a single four (4) story building with a total of twelve (12) residential units and twelve (12) on-site parking spaces in connection with the property located at 307 Barrow Street, Jersey City, New Jersey, also known on the Jersey City tax maps as Block 273, Lot E; and

WHEREAS, due notice of a hearing before the Zoning Board of Adjustment of the City of Jersey City, on June 19, at 6:00 p.m., was duly published as prescribed in the Zoning Ordinance of the City of Jersey City; and

WHEREAS, the Applicant has submitted proof that it has complied with the applicable procedural requirements including the payment of fees and public notices; and

WHEREAS, all testimony having been formally heard for this application; and

WHEREAS, after consideration of the application, the Principal Points Statement submitted on behalf of the Applicant, the testimony presented at the meeting, and the oral and written comments and recommendations of the Division of Planning professional staff, the Zoning Board of Adjustment has made the following findings of fact:

FINDINGS OF FACT

1. The Applicant, 307 Barrow Street, LLC, has filed an application with the Jersey City Zoning Board of Adjustment for property located at 307 Barrow Street,

Jersey City, Block 273, Lot E, for variances pursuant to N.J.S.A. 40:55D-70(c) (rear yard setback; building and lot coverage; and parking aisle width) and N.J.S.A. 40:55D-70(d) (use and height), and for Preliminary and Final Major Site Plan Approval. The purpose of the application is to develop the lot with a single four (4) story building with a total of twelve (12) residential units and twelve (12) on-site parking spaces.

2. The property is located within the Van Vorst Park Historic Zoning District ("Historic District") and the proposed use (a multi-family mid-rise building with 12 dwelling units) is not a permitted use within the zone.

3. The Applicant is requesting variances from the Jersey City Land Development Ordinance (LDO) to permit a multi-family mid-rise residential use with 12 dwelling units in the Historic District; for relief from the minimum rear yard setback; maximum building and lot coverage; minimum parking aisle width; and the maximum building height regulations in the Historic District.

4. The subject property is an oversized lot (7,500 s.f.) in the Historic District, and is located at the corner of Barrow Street and Wayne Street. Therefore, the development lot has a perception of having two front "yards" (along both Barrow Street and Wayne Street). However, the actual "front" or width of the lot is on Wayne Street (narrower dimension), and it would be inappropriate to create a 30 foot gap on Barrow Street (rear yard requirement) since both Barrow and Wayne Streets have historic buildings developed to the street line. Instead, the proposed development is continuing the streetscape along both streets, and creating a courtyard area in the northwest corner of the property. Moreover, the new building will not extend beyond the rear building line of the existing adjacent buildings on either side and the benefits of the proposed design outweigh the detriments of the rear yard deviation.

5. The Applicant is also requesting a variance for the height of the principal building. The maximum permitted height in this zone for residential uses is four (4) stories and forty (40) feet (townhouses are the only permitted residential uses).

6. The development was reviewed by the Historic Preservation Commission, and the Applicant complied with their recommended changes to the project to conform and be consistent with the historic character of the neighborhood. Accordingly, the development promotes and enhances the preservation of the historic character of the neighborhood by continuing and enhancing the architectural historic design and rhythm along both Wayne and Barrow Streets.

7. The proposed height of the building (51 feet) is consistent with buildings in the area, and specifically, with the buildings immediately adjacent to the development along Barrow Street and Wayne Street. Conversely, a building height of forty (40') feet would create an anomaly at this corner because it would be much shorter than the existing developments. Additionally, the interior of the building will have floor to floor heights of 11'6" and resulting higher than standard floor to ceiling heights consistent with the historic character of the neighborhood.

Accordingly, the proposed building height is consistent with the intent of the District, creating compatibility with the existing historic heights of other buildings in the immediate neighborhood, was recommended by the Jersey City Historic Preservation Commission, and will advance the purpose and intent of the zone by recognizing its compatibility with the varied existing historic character of the neighborhood, will advance the purpose historic preservation. At the same time the proposed height will cause no substantial detriment to the public welfare or impairment of the zone plan also due to its compatibility with the surrounding architecture.

8. The proposed development conforms to the permitted density, and the lot could alternatively be subdivided into four lots and each developed with a permitted three unit townhouse. However, in that event, if developed as a single development project of 10 more units, on-site parking would still be required and difficult to provide. However, as a result of the lot being oversized and on the corner, the proposed development is an appropriate development of the lot and for the neighborhood. The ability to provide twelve (12) on-site parking spaces (the maximum permitted) is a benefit to the project and the neighborhood.

9. The Applicant has also requested a variance to allow a parking aisle width of less than the required twenty-four (24) feet. Since the parking garage will only be used by the residents of the building, the benefits to the neighborhood of providing the on-site parking outweigh any detriments of having a smaller than required parking aisle width.

10. The proposed development of the property is appropriate at this corner location and provides a residential use that will benefit the immediate neighborhood, promote the general welfare, and promote a desirable visual environment. Furthermore, the proposed variances will not cause substantial detriment to the public good as the project will be no greater in density or height than at adjacent properties, and sufficient air and light will be provided in the area, nor will there be substantial impairment to the intent and purpose of the Jersey City Historic District Plan.

11. The Applicant has requested a variance for the proposed parking aisle width. This is a private parking garage that will only be used by the residents of the building. The benefits of providing the on-site parking outweigh any detriments of having a smaller parking aisle width.

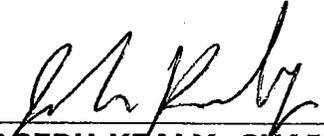
NOW, THEREFORE, BE IT RESOLVED that the Zoning Board of Adjustment of the City of Jersey City, County of Hudson and State of New Jersey, for the foregoing reasons, approves the within application for variances pursuant to N.J.S.A. 40:55D-70(c) (rear yard setback; building and lot coverage; and parking aisle width) and N.J.S.A. 40:55D-70(d) (use and height), and for Preliminary and Final Major Site Plan Approval, to wit: Calendar No. Z07-059 to develop the lot with a single four (4) story building with a total of twelve (12) residential units with twelve (12) on-site parking spaces in connection with the property located at 307 Barrow Street, Jersey City, New Jersey, also known on the Jersey City tax maps as Block

273, Lot E, in accordance with the plans and testimony, submitted to the Zoning Board of Adjustment of the City of Jersey City, subject to the following conditions:

1. All comments and recommendations of the Municipal Review Agents shall be addressed in revised plans.
2. A franchise ordinance, including a metes and bounds description and survey map of all proposed improvements within the public right-of-way, must be filed with the City Clerk and scheduled for a hearing prior to approval for construction permits.
3. A complete color/material board shall be submitted, and final materials with all manufacturing specifications including colors shall be shown on elevations. No deviation from the approved site plan or elevations, including those that may be required by the Office of the Construction Code Official, shall be permitted without immediate notification to the Division of City Planning and consultation with planning and historic preservation staff.
4. In the event of condominium conversion, all on-site parking provided by this project shall be incorporated into the Master Deed as a limited common element to be reserved for the exclusive use of the owners and residents of the building. Should the project be developed as a rental (i.e., without condominium conversion), then all parking spaces shall be for the exclusive use of the project tenants, and a parking space must be included in the leasehold of each dwelling unit.
5. A copy of the memorialized resolution shall be filed with the Hudson County Register's Office with proof of such filing to be submitted to the Division of City Planning prior to application for construction permits, and all restrictions contained herein shall be incorporated and applicable to the Master Deed in the event of condominium conversion.

APPLICANT: 307 BARROW STREET, LLC
FOR: PRELIMINARY AND FINAL MAJOR SITE PLAN APPROVAL
WITH "C" AND "D" VARIANCES
307 BARROW STREET, JERSEY CITY, NEW JERSEY
BLOCK 273, LOT E
CASE NO.: Z07-059
VOTE: 7 - 0

COMMISSIONER:	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Chairman Joseph Kealy	X			
Commissioner Consuelo Evans	X			
Commissioner Aneesah Abdullah	X			
Commissioner Dominick Forte	X			
Commissioner Deborah Ann Davis	X			
Commissioner Diane Strasz	X			
Commissioner Thomas Fricchione	X			

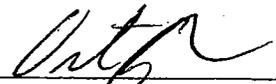


JOSEPH KEALY, CHAIRMAN
ZONING BOARD OF ADJUSTMENT
OF THE CITY OF JERSEY CITY



CLAIRE DAVIS, SECRETARY
ZONING BOARD OF ADJUSTMENT
OF THE CITY OF JERSEY CITY

APPROVED AS TO LEGAL FORM:



VINCENT LaPAGLIA, ESQ.

DATE OF HEARING:

June 19, 2008

DATE OF MEMORIALIZATION:

August 21, 2008

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

Ord. 08-161

ORDINANCE NO. 3.F.NOV 1 2 2008 4.F.



A ordinance granting permission to Pronti Construction, Inc., its successors and assigns, to make private improvements in the Barrow Street and Wayne Street public rights of way adjacent to the property located at 307 Barrow Street, Jersey City, New Jersey, also known on the tax map of the City of Jersey City as Block 273, Lot E.

RECORD OF COUNCIL VOTE ON INTRODUCTION											
NOV 1 2 2008 8-0-1											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	ABSTAIN			VEGA, PRES.	✓		

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

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
SPINELLO				FULOP				FLOOD			
LIPSKI				RICHARDSON				VEGA, PRES.			

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

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

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

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

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

Adopted on first reading of the Council of Jersey City, N.J. on NOV 1 2 2008

Adopted on second and final reading after hearing on _____

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

APPROVED: _____

Robert Byrne, City Clerk

Mariano Vega, Jr., Council President

Date: _____

*Amendment(s): _____

APPROVED: _____

Jerramiah T. Healy, Mayor

Date _____

Date to Mayor _____

City Clerk File No. Ord. 08-154

Agenda No. 3.G 1st Reading

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



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 08-154

TITLE: **ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 3 (ADMINISTRATION OF GOVERNMENT) ARTICLE IX (DEPARTMENT OF PUBLIC WORKS)**

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

A. The following amendments and supplements to Chapter 3 (Administration of Government) Article IX (Department of Public Works) of the Jersey City Code are adopted:

ARTICLE IX Department of Public Works

§ 3-71.2. Division of Neighborhood Improvement.

A. No change.

B. No change.

C. (1) Through (5) No Change.

(6) Chapter 245 (Peddling, Soliciting and Canvassing), Article I (Licensing of Peddlers), section(s):

(a) Section 245-8 (Articles not to be sold).

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.

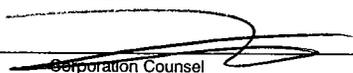
D. This ordinance shall take effect at the time and in the manner as provided by law.

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 indicated by **boldface** and repealed matter by *italic*.

JM/he
10/08/08

APPROVED AS TO LEGAL FORM


Corporation Counsel

APPROVED: _____

APPROVED: 
Business Administrator

Certification Required

Not Required 2 3 2 3 3

From: Joanne Monahan
To: Robert Byrne; Sean Gallagher; Steven Fulop
Date: 11/3/2008 10:52 AM
Subject: Re: Flower Peddling

Yes. Had I known you weren't going to be there to explain it, I would have attached a short memo to the Council. I think everyone was confused as to why Joanne Monahan cared about flower peddlers.

Robert, do you need another original or can you go with what you have?

>>> Steven Fulop 11/2/2008 8:13 AM >>>

Joanne

Thanks for making the change to the NID portion of the flower peddler ordinance. We tried to walk it on the last agenda but I got held up at work and arrived late to the council meeting so they thought best to hold off. I just want to confirm that it will be on this agenda

Thanks in advance for all your help
Steve

Steven M. Fulop
Jersey City Councilman
Ward "E"
280 Grove Street
Jersey City, NJ 07302

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

Ord. 08-154

ORDINANCE NO. 3.G. NOV 12 2008 4.G.

TITLE:

Ordinance amending and supplementing Chapter 3
(Administration of Government) Article IX (Department of
Public Works).



RECORD OF COUNCIL VOTE ON INTRODUCTION											
NOV 12 2008 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	✓		

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

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
SPINELLO				FULOP				FLOOD			
LIPSKI				RICHARDSON				VEGA, PRES.			

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

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

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

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

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

Adopted on first reading of the Council of Jersey City, N.J. on NOV 12 2008

Adopted on second and final reading after hearing on _____

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

APPROVED:

Robert Byrne, City Clerk

Mariano Vega, Jr., Council President

Date: _____

APPROVED:

*Amendment(s):

Jerramiah T. Healy, Mayor

Date _____

Date to Mayor _____

City Clerk File No. Ord. 08-162

Agenda No. 3.H 1st Reading

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



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 08-162

TITLE:

ORDINANCE AUTHORIZING THE ACCEPTANCE OF A GIFT OF THE PROPERTY DESCRIBED AS THE OPEN SPACE AOC AREA IN THE CONSENT DECREE REGARDING THE REMEDIATION AND REDEVELOPMENT OF STUDY AREA 6 SOUTH IN JCMUA V. HONEYWELL, JCIA V. HONEYWELL AND HACKENSACK RIVERKEEPER V. HONEYWELL, AND IN THE ALTERNATIVE, AUTHORIZING AN OPTION TO BUY SUCH PROPERTY

WHEREAS, on June 30, 2003, the district court for the District of New Jersey [the Court] issued a Final Judgment in *Interfaith Community Organization v. Honeywell International Inc.*, Civ. No. 95-2097 (DMC) [ICO v. Honeywell], ordering the remediation of an area designated by the New Jersey Department of Environmental Protection [NJDEP] as Study Area 7 by excavation of all chromium contamination on the property; and

WHEREAS, on December 23, 2005, the Jersey City Municipal Utilities Authority [JCMUA] filed *Jersey City Municipal Utilities Authority v. Honeywell International Inc.*, D.N.J., Civ. No. 05-5955 (DMC), against Honeywell International Inc. [Honeywell] under the Resource Conservation and Recovery Act [RCRA], and seeking remediation of chromium contamination on property owned by JCMUA within an area designated by the New Jersey Department of Environmental Protection [NJDEP] as Study Area 6 North; and

WHEREAS, on December 28, 2005, the Jersey City Incinerator Authority [JCIA] filed *Jersey City Incinerator Authority v. Honeywell International Inc.*, D.N.J., Civ. No. 05-5993 (DMC), bringing claims against Honeywell under RCRA, and seeking remediation of chromium contamination on property owned by JCIA within Study Area 6 North; and

WHEREAS, on January 4, 2006, the Hackensack Riverkeeper, Inc., Captain William Sheehan, Reverend Winston Clark, and Lawrence Baker [Riverkeeper] filed *Hackensack Riverkeeper, Inc. v. Honeywell International Inc.*, D.N.J., Civ. No. 06-022 (DMC), bringing a claim against Honeywell under RCRA and seeking remediation of chromium contamination to soils, groundwater, surface waters, and sediments associated with various properties collectively designated by NJDEP as Study Areas 5 and 6; and

WHEREAS, in *Riverkeeper v. Honeywell*, Riverkeeper has alleged that Honeywell bears responsibility for the presence and remediation of chromite ore processing residue [COPR] and chromium in soils and groundwater on the Study Area 5 and 6 properties; and

WHEREAS, Riverkeeper named as defendants in *Riverkeeper v. Honeywell*, all owners of the properties that comprise Study Areas 5 and 6, as it is legally required to do. The property owners include the City of Jersey City [Jersey City], JCMUA, and JCIA [collectively, the "Jersey City Entities"]; and

WHEREAS, the Jersey City Entities and Honeywell also asserted cross-claims against each other in *Riverkeeper v. Honeywell*; and

ORDINANCE AUTHORIZING THE ACCEPTANCE OF A GIFT OF THE PROPERTY DESCRIBED AS THE OPEN SPACE AOC AREA IN THE CONSENT DECREE REGARDING THE REMEDIATION AND REDEVELOPMENT OF STUDY AREA 6 SOUTH IN JCMUA V. HONEYWELL, JCIA V. HONEYWELL AND HACKENSACK RIVERKEEPER V. HONEYWELL, AND IN THE ALTERNATIVE, AUTHORIZING AN OPTION TO BUY SUCH PROPERTY

WHEREAS, *JCMUA v. Honeywell*, *JCIA v. Honeywell*, and *Riverkeeper v. Honeywell* were consolidated by the United States District Court for the District of New Jersey [Consolidated Litigation]; and

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., as amended and supplemented [Redevelopment Law] provides for municipalities to participate in the redevelopment and improvement of areas in need of redevelopment; and

WHEREAS, Study Areas 6 and 7 consists of parcels which by Ordinance No. 08-025 adopted by Jersey City on February 27, 2008, have been determined to be “areas in need of redevelopment” under the criteria of the Redevelopment Law because of conditions prevalent in those parcels; and

WHEREAS, under the Redevelopment Plan for Study Areas 6 and 7, two areas of Study Area 6 are to be developed, following remediation, as open space parks with recreation and other facilities; and

WHEREAS, on April 21, 2008, the district court for the District of New Jersey entered the Consent Decree Regarding the Remediation and Redevelopment of Study Area 6 North [Study Area 6 North Decree] resolving issues between Honeywell, the Jersey City Entities, and Riverkeeper related to chromium contamination at Study Area 6 North; and

WHEREAS, under the Study Area 6 North Decree, Honeywell agreed to donate the open space park area to Jersey City following remediation and Jersey City agreed to accept this donation and to add the park to its Green Acres Program Recreation and Open Space Inventory [ROSI]; and

WHEREAS, on April 9, 2008, Jersey City adopted Ordinance No. 08-051 authorizing acceptance of the donation of the open space park area in Study Area 6 North; and

WHEREAS, Honeywell and the Riverkeeper have agreed to settle their respective claims regarding Study Area 6 South in the Consent Decree Regarding the Remediation and Redevelopment of Study Area 6 South; and

WHEREAS, the Consent Decree Regarding the Remediation and Redevelopment of Study Area 6 South provides for the participation of Jersey City such that under the terms of the decree, Honeywell will donate the open space park to Jersey City following remediation and Jersey City agrees to accept this donation and to add the park to its ROSI as it has agreed to do with the open space park in Study Area 6 North; and

WHEREAS, the Redevelopment Plan for Study Areas 6 and 7 contemplates creation of a major mixed use project in an important section of Jersey City; and

WHEREAS, Jersey City desires to contribute to the development of aesthetically pleasing open space parks for its residents in a revitalized West Side, dubbed the “Green Coast”; and

WHEREAS, Jersey City recognizes that public parks and open spaces are key components to urban communities and neighborhoods that are essential to the quality of life of all Jersey City residents; and

WHEREAS, increasing acreage in Jersey City’s ROSI is an important public benefit; and

WHEREAS, Jersey City has agreed to take ownership of the open space park area in Study Area 6 South for the enjoyment and use of its residents.

ORDINANCE AUTHORIZING THE ACCEPTANCE OF A GIFT OF THE PROPERTY DESCRIBED AS THE OPEN SPACE AOC AREA IN THE CONSENT DECREE REGARDING THE REMEDIATION AND REDEVELOPMENT OF STUDY AREA 6 SOUTH IN JCMUA V. HONEYWELL, JCIA V. HONEYWELL AND HACKENSACK RIVERKEEPER V. HONEYWELL, AND IN THE ALTERNATIVE, AUTHORIZING AN OPTION TO BUY SUCH PROPERTY

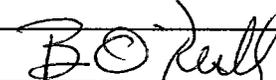
NOW, THEREFORE BE IT ORDAINED by the Municipal Council of the City of Jersey City that:

- (1) the Corporation Counsel is authorized to enter into the Consent Decree Regarding the Remediation and Redevelopment of Study Area 6 South on behalf of the City of Jersey City; and
- (2) the Mayor or Business Administrator is authorized to accept as a gift on behalf of the City of Jersey City the property known under the Consent Decree Regarding the Remediation and Redevelopment of Study Area 6 South as the Open Space AOC Area at such time as Bayfront Redevelopment LLC donates such property pursuant to the terms of the Consent Decree; and
- (3) in the event that the circumstances described in the Consent Decree Regarding the Remediation and Redevelopment of Study Area 6 South concerning the option to buy the Open Space AOC Area come to pass, the Mayor or Business Administrator is authorized to exercise the option to buy same for nominal consideration, meaning not more than \$1,000.

APPROVED AS TO LEGAL FORM



Corporation Counsel

APPROVED: 

APPROVED: 
Business Administrator

Certification Required
Not Required

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

Ord. 08-162

ORDINANCE NO. 3.H. NOV 12 2008 4.H.



TITLE:

Ordinance authorizing the acceptance of a gift of the property described as the Open Space AOC Area in the consent decree regarding the remediation and redevelopment of Study Area 6 South in Jersey City Municipal Utilities Authority v. Honeywell, Jersey City Incinerator Authority v. Honeywell and Hackensack Riverkeeper v. Honeywell, and in the alternative, authorizing an option to buy such property.

RECORD OF COUNCIL VOTE ON INTRODUCTION											
NOV 12 2008 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
SPINELLO				FULOP				FLOOD			
LIPSKI				RICHARDSON				VEGA, PRES.			

✓ Indicates Vote

N.V.-Not Voting (Abstain)

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

✓ Indicates Vote

N.V.-Not Voting (Abstain)

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

✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on NOV 12 2008

Adopted on second and final reading after hearing on _____

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

APPROVED:

Robert Byrne, City Clerk

Mariano Vega, Jr., Council President

Date: _____

APPROVED:

*Amendment(s):

Jerramiah T. Healy, Mayor

Date _____

Date to Mayor _____

City Clerk File No. Ord. 08-163

Agenda No. 3.I 1st Reading

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



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 08-156

TITLE: ORDINANCE RENAMING MORGAN STREET, BETWEEN WASHINGTON BOULEVARD AND GREEN STREET, TO TRUMP PLAZA

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

WHEREAS, Vector Urban Renewal Associates I, is the developer of Block 75, Lots PL1 and PL2, more commonly known by the street address of 328-342 Washington Boulevard, a 55 story tower with approximately 445 residential rental units, parking and 9,000 square feet of retail space; and

WHEREAS, Vector Urban Renewal Associates II, is the developer of a 50 story tower within the same Block and Lots, to contain approximately 417 residential condominium units, parking and 6,700 square feet of retail space; and

WHEREAS, the 55 story tower by Vector Urban Renewal Associates I is closely identified as and referred to as "Trump" product; and

WHEREAS, given both the present and future visual and architectural impact of these towers, it is both fitting and appropriate to commemorate the importance of these projects to the City of Jersey City by renaming Morgan Street, between Washington Boulevard and Green Street, "Trump Plaza".

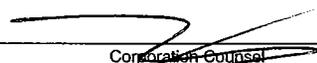
NOW, THEREFORE BE IT ORDAINED by the Municipal Council of the City of Jersey City that Morgan Street between Washington Boulevard and Green Street shall be known as:

TRUMP PLAZA

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

JM/he
11/06/08

APPROVED AS TO LEGAL FORM


Corporation Counsel

APPROVED: _____

APPROVED: 
Business Administrator

Certification Required

Not Required

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

Ord. 08-163

ORDINANCE NO. 3.I. NOV 12 2008 4.I.

TITLE:

Ordinance renaming Morgan Street between Washington Boulevard and Greene Street to Trump Plaza.



RECORD OF COUNCIL VOTE ON INTRODUCTION											
NOV 12 2008 8-0-1											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	ABSTAIN			VEGA, PRES.	✓		

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

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
SPINELLO				FULOP				FLOOD			
LIPSKI				RICHARDSON				VEGA, PRES.			

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

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

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

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

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

Adopted on first reading of the Council of Jersey City, N.J. on NOV 12 2008

Adopted on second and final reading after hearing on _____

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

APPROVED:

Robert Byrne, City Clerk

Mariano Vega, Jr., Council President

Date: _____

APPROVED:

*Amendment(s):

Jerramiah T. Healy, Mayor

Date _____

Date to Mayor _____

City Clerk File No. Ord. 08-164

Agenda No. 3.J 1st Reading

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



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 08-164

TITLE: **ORDINANCE APPROVING A 30 YEAR TAX EXEMPTION FOR A MARKET RATE COMMERCIAL (RETAIL/PARKING GARAGE) USE RENTAL PROJECT TO BE CONSTRUCTED BY MEPT JOURNAL SQUARE URBAN RENEWAL, LLC, AN URBAN RENEWAL ENTITY, PURSUANT TO THE LONG TERM TAX EXEMPTION LAW N.J.S.A. 40A:20-1 ET SEQ. (UNIT 1 OR THE COMMERCIAL UNIT)**

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

WHEREAS, MEPT Journal Square Urban Renewal, LLC, 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 owner of Unit 1 [the Commercial Unit] that is one (1) condominium unit of a three (3) unit condominium project [the Journal Square Development], located on certain property known as Block 1866, Lots B3, B4, C1, 16, 17A, 18A, 19, 20, 25H and 25J, on the City's Official Tax map, consisting of approximately 1.5 acres, bounded by Bergen Avenue/Kennedy Boulevard to the West, the PATH Transportation Center to the North, Hudson County Community College to the East and Sip Avenue to the South, and more specifically described by metes and bounds, in the application [Property]; and

WHEREAS, the Entity will lease the Commercial Unit to Journal Square Commercial Leasing Associates, LLC [the Leasing Entity], that will thereupon lease the property to third party occupants; and

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

WHEREAS, since the Entity estimates construction costs that will exceed \$25 million, the project shall be subject to a Project Labor Agreement as required by Ordinance 07-123; and

WHEREAS, the Entity has applied for a 30 year long term tax exemption for the Commercial Unit to construct a seven (7) story building, containing a garage with approximately 700 parking spaces and approximately 70,385 net square feet of retail space [the Project]; and

WHEREAS, MEPT Journal Square Urban Renewal, LLC, has agreed to:

1. pay the greatest of (i) the Minimum Annual Service Charge or (ii) 10% of the Annual Gross Revenue each year, which shall be a minimum of \$75,000 in year 1; \$150,000 in year 2; \$225,000 in year 3; \$300,000 in years 4 through 7; \$375,000 in years 8 through 19; and \$450,000 in years 20 through 30; or (iii) the amount of the maximum statutory staged increases over the term of the tax exemption; and
2. pay an annual sum equal to 2% of each prior year's Annual Service Charge as an Administrative Fee; and

ORDINANCE APPROVING A 30 YEAR TAX EXEMPTION FOR A MARKET RATE COMMERCIAL (RETAIL/PARKING GARAGE) USE RENTAL PROJECT TO BE CONSTRUCTED BY MEPT JOURNAL SQUARE URBAN RENEWAL, LLC, AN URBAN RENEWAL ENTITY, PURSUANT TO THE LONG TERM TAX EXEMPTION LAW N.J.S.A. 40A:20-1 ET SEQ. (UNIT 1 OR THE COMMERCIAL UNIT)

3. provide employment and other economic opportunities for City residents and businesses; and
4. pay to the City, for remittance to Hudson County, an amount equal to 5% of the Annual Service Charge upon receipt of that charge; and
5. pay the sum of \$420,578 to the City's Affordable Housing Trust Fund in four (4), rather than three (3), installments as set forth in the Financial Agreement; and

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

1. the current real estate taxes generate revenue of only \$51,967 (15% of the total taxes of \$346,446 for the Journal Square Development) whereas, the Annual Service Charge, will generate minimal revenue of \$75,000 in year 1; \$150,000 in year 2; \$225,000 in year 3; \$300,000 in years 4 through 7; \$375,000 in years 8 through 19; and \$450,000 in years 20 through 30 to the City;
2. it is expected that the Journal Square Development will create approximately 439 jobs during construction and 300 new permanent jobs;
3. the Project will stabilize and contribute to the economic growth of businesses in the surrounding area;
4. the Project will further the overall redevelopment objectives of the Journal Square Redevelopment Plan;
5. the City's impact analysis, on file with the Office of the City Clerk, indicates that the benefits of the Project outweigh the costs to the City; and

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

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

WHEREAS, MEPT Journal Square Urban Renewal, LLC, has initially complied with Executive Order 2002-005 concerning "Disclosure of Lobbyist Representative Status" by filing an appropriate letter in the Office of the City Clerk;

WHEREAS, MEPT Journal Square Urban Renewal, LLC, has agreed to comply with the City of Jersey City's Ordinance 07-123, Requiring Apprenticeships and Project Labor Agreements.

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

- A. The application of MEPT Journal Square 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

ORDINANCE APPROVING A 30 YEAR TAX EXEMPTION FOR A MARKET RATE COMMERCIAL (RETAIL/PARKING GARAGE) USE RENTAL PROJECT TO BE CONSTRUCTED BY MEPT JOURNAL SQUARE URBAN RENEWAL, LLC, AN URBAN RENEWAL ENTITY, PURSUANT TO THE LONG TERM TAX EXEMPTION LAW N.J.S.A. 40A:20-1 ET SEQ. (UNIT 1 OR THE COMMERCIAL UNIT)

office of the City Clerk, for Unit 1 [the Commercial Unit] that is one (1) unit of the Journal Square Development located on Block 1866, Lots Lots B3, B4, C1, 16, 17A, 18A, 19, 20, 25H and 25J, bounded by Bergen Avenue/Kennedy Boulevard to the West, the PATH Transportation Center to the North, Hudson County Community College to the East and Sip Avenue to the South, 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 35 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 greatest of:
 - (a) the Minimum Annual Service Charge equal to \$51,967 upon Project Completion, whether or not the Project is occupied; or
 - (b) 10% of Gross Revenue, shall be a minimum of \$75,000 in year 1; \$150,000 in year 2; \$225,000 in year 3; \$300,000 in years 4 through 7; \$375,000 in years 8 through 19; and \$450,000 in years 20 through 30 or
 - (c) the amount of the maximum statutory staged increases over the term of the tax exemption.
3. Administrative Fee: 2% of the prior year's Annual Service Charge;
4. County Payment: 5% of the Annual Service Charge to the City for remittance by the City to Hudson County;
5. Project: a seven (7) story building, containing approximately 700 parking spaces and 70,385 net square feet of retail space;
6. Affordable Housing Trust Fund: \$420,578 (based on 280,385 square feet x \$1.50 per square foot) payable in four (4), rather than three (3), installments as set forth in the Financial Agreement;
7. An obligation to execute a Project Employment and Contracting Agreement to insure employment and other economic benefits to City residents and businesses.
8. Execution of a Project Labor Agreement as required by Ordinance 07-123. The Project Labor Agreement shall be in substantially the form on file in the office of the City Clerk.

C. This Ordinance shall be contingent upon the execution by the Entity of the Prepayment and Contribution Agreements for each of the three (3) condominiums forming the Journal Square Development.

D. The City Clerk shall deliver a certified copy of the Ordinance and Financial Agreement to the Tax Assessor and Director of the Division of Local Government Services.

E. 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.

ORDINANCE APPROVING A 30 YEAR TAX EXEMPTION FOR A MARKET RATE COMMERCIAL (RETAIL/PARKING GARAGE) USE RENTAL PROJECT TO BE CONSTRUCTED BY MEPT JOURNAL SQUARE URBAN RENEWAL, LLC, AN URBAN RENEWAL ENTITY, PURSUANT TO THE LONG TERM TAX EXEMPTION LAW N.J.S.A. 40A:20-1 ET SEQ. (UNIT 1 OR THE COMMERCIAL UNIT)

F. All ordinances and parts of ordinances including Section 304-28 of the Jersey City Municipal Code, which mandates Affordable Housing Trust Fund payments in three (3) installments, inconsistent herewith are hereby repealed.

G. 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.

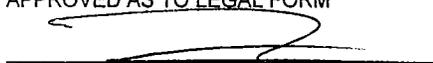
H. This ordinance shall take effect at the time and in the manner provided by law.

I. 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
11/07/08

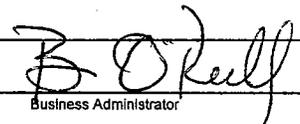
APPROVED AS TO LEGAL FORM



Corporation Counsel

APPROVED: _____

APPROVED: _____



Business Administrator

Certification Required

Not Required

Rev. 8-23-05

Long Term Tax Exemption

N.J.S.A. 40A:20-1, et seq.

(Commercial/Condo 1/Base Building)

Re: Corner of Bergen & Sip Avenues
Block 1866, Lots B3, B4, C1, 16, 17A,
18A, 19, 20, 25H and 25J
Journal Square Redevelopment Plan Area

PREAMBLE

THIS FINANCIAL AGREEMENT, [Agreement] is made the _____ day of _____, 2008 by and between **MEPT JOURNAL SQUARE URBAN RENEWAL, LLC**, 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., having its principal office at c/o New Tower Trust Company, 3 Bethesda Metro Center Suite 1600, Bethesda, MD 20814 [Entity], and the **CITY OF JERSEY CITY**, a Municipal Corporation of the State of New Jersey, having its principal office at 280 Grove Street, Jersey City, New Jersey 07302 [City].

RECITALS

WITNESSETH:

WHEREAS, a project has been proposed within the boundaries of the Journal Square Redevelopment Plan Area District 5 that should consist of three (3) condominium units: 1) a base building for commercial and parking; 2) a residential rental tower to the north; and 3) a residential tower to the south; and

WHEREAS, the Entity is the Owner of a condominium unit to be located on a portion of certain property designated as Block 1866, Lots B3, B4, C1, 16, 17A, 18A, 19, 20, 25H and 25J, more commonly known by the street address of Corner of Bergen and Sip Avenues, and more particularly described by the metes and bounds description set forth as Exhibit 1 to this Agreement [the Property]; and

WHEREAS, the Entity, will construct a Commercial or Base Unit on the Property which will have approximately 700 parking spaces and 70,385 net square feet of retail space in a seven (7) story building [Project]; and

WHEREAS, the Project will be leased by Applicant to Journal Square Commercial Leasing Associates LLC for a term at least commensurate with this Financial Agreement; and

WHEREAS, on May 7, 2008, the Entity filed an Application with the City for a Long Term Tax Exemption for the Project; and

WHEREAS, the City made the following findings:

A. Relative Benefits of the Project when compared to the costs:

1. the current real estate tax generates revenue of only \$51,967 for the Project, whereas, the Annual Service Charge for the Project alone, will generate revenue to the City during the term of the Financial Agreement of \$75,000 in year 1; \$150,000 in year 2; \$225,000 in year 3; \$300,000 in years 4 through 7; \$375,000 in years 8 through 19; and \$450,000 in years 20 through 30;
2. the Entity shall pay the City the sum of \$420,578, as an affordable housing contribution, based upon gross square footage pursuant to Ordinance 03-112, in four (4) rather than three (3) installments;
3. it is expected that the Project will create approximately 439 jobs during construction and 300 new permanent jobs;
4. the Development and the Project should stabilize and contribute to the economic growth of existing local business and to the creation of new business, which cater to the new residents;
5. the Development and the Project will further the redevelopment objectives of the Journal Square Redevelopment Plan;
6. the City's impact analysis, on file with the Office of the City Clerk, indicates that the benefits of the Project outweigh the costs to the City; and

B. Assessment of the Importance of the Tax Exemption in obtaining development of the project and influencing the locational decisions of probable occupants:

1. the relative stability and predictability of the annual service charges will make the Project more attractive to investors and lenders needed to finance the Project; and
2. the relative stability and predictability of the 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 insure the likelihood of the success of the Project and insure that it will have a positive impact on the surrounding area; and

WHEREAS, by the adoption of Ordinance _____ on _____, 2008, the Municipal

Council approved the above findings and the tax exemption application and authorized the execution of this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, and for other good and valuable consideration, it is mutually covenanted and agreed as follows:

ARTICLE I - GENERAL PROVISIONS

Section 1.1 Governing Law

This Agreement shall be governed by the provisions of the Long Term Tax Exemption Law, as amended and supplemented, N.J.S.A. 40A:20-1 et seq., Executive Order of the Mayor, 02-003, Ordinance 02-075, and Ordinance _____, which authorized the execution of this Agreement. It being expressly understood and agreed that the City expressly relies upon the facts, data, and representations contained in the Application, attached hereto as Exhibit 3, in granting this tax exemption.

Section 1.2 General Definitions

Unless specifically provided otherwise or the context otherwise requires, when used in this Agreement, the following terms shall have the following meanings:

i. Allowable Net Profit- The amount arrived at by applying the Allowable Profit Rate to Total Project Cost pursuant to N.J.S.A. 40A:20-3(c).

ii. Allowable Profit Rate - The greater of 12% or the percentage per annum arrived at by adding 1.25% to the annual interest percentage rate payable on the Entity's initial permanent mortgage financing. If the initial permanent mortgage is insured or guaranteed by a governmental agency, the mortgage insurance premium or similar charge, if payable on a per annum basis, shall be considered as interest for this purpose. If there is no permanent mortgage financing, or if the financing is internal or undertaken by a related party, the Allowable Profit Rate shall be the greater of 12% or the percentage per annum arrived at by adding 1.25% per annum to the interest rate per annum which the municipality determines to be the prevailing rate on mortgage financing on comparable improvements in Hudson County. The provisions of N.J.S.A. 40A:20-3(b) are incorporated herein by reference.

iii. Annual Gross Revenue - The amount equal to the rent payable to the Entity pursuant to the Master Sublease substantially in the form described in Exhibit H to the Application, and all

third party rent paid by tenants of the Retail Space, which rent shall not be amended so as to reduce or limit Service Charge due hereunder.

iv. Annual Service Charge - The amount the Entity has agreed to pay the City for municipal services supplied to the Project, which sum is in lieu of any taxes on the Improvements, pursuant to N.J.S.A. 40A:20-12.

v. Auditor's Report - A complete financial statement outlining the financial status of the Project (for a period of time as indicated by context), which shall also include a certification of Total Project Cost and clear computation of Net Profit. The contents of the Auditor's Report shall have been prepared in conformity with generally accepted accounting principles and shall contain at a minimum the following: a balance sheet, a statement of income, a statement of retained earnings or changes in stockholders' equity, a statement of cash flows, descriptions of accounting policies, notes to financial statements and appropriate schedules and explanatory material results of operations, cash flows and any other items required by Law. The Auditor's Report shall be certified as to its conformance with such principles by a certified public accountant who is licensed to practice that profession in the State of New Jersey.

vi. Certificate of Occupancy - A document, whether temporary or permanent, issued by the City authorizing occupancy of a building, in whole or in part, pursuant to N.J.S.A. 52:27D-133.

vii. Debt Service - The amount required to make annual payments of principal and interest or the equivalent thereof on any construction mortgage, permanent mortgage or other financing including returns on institutional equity financing and market rate related party debt for the project for a period equal to the term of this agreement.

viii. Default - Shall be a breach of or the failure of the Entity to perform any obligation imposed upon the Entity by the terms of this Agreement, or under the Law, beyond any applicable grace or cure periods.

ix. Entity - The term Entity within this Agreement shall mean MEPT Journal Square Urban Renewal, LLC, which Entity is formed and qualified pursuant to N.J.S.A. 40A:20-5. It shall also include any subsequent purchasers or successors in interest of the Project, provided they are formed and operate under the Law.

x. Improvements or Project - Any building, structure or fixture permanently affixed to

the land and to be constructed and tax exempted under this Agreement.

xi. In Rem Tax Foreclosure or Tax Foreclosure - A summary proceeding by which the City may enforce a lien for taxes due and owing by tax sale, under N.J.S.A. 54:5-1 to 54:5-129 et seq.

xii. Land Taxes - The amount of taxes assessed on the value of land, on which the project is located and, if applicable, taxes on any pre-existing improvements. Land Taxes are not exempt; however, Land Taxes are applied as a credit against the Annual Service Charge.

xiii. Land Tax Payments - Payments made on the quarterly due dates, including approved grace periods if any, for Land Taxes as determined by the Tax Assessor and the Tax Collector.

xiv. Law - Law shall refer to the Long Term Tax Exemption Law, as amended and supplemented, N.J.S.A. 40A:20-1, et seq.; Executive Order of the Mayor 02-003, relating to long term tax exemption, as it may be amended and supplemented; Ordinance 02-075, and Ordinance _____ which authorized the execution of this Agreement; and Ordinance 07-123, as may be amended or supplemented from time to time, which requires the execution of a Project Labor Agreement, and all other relevant Federal, State or City statutes, ordinances, resolutions, rules and regulations.

xv. Minimum Annual Service Charge - The Minimum Annual Service Charge shall be the total taxes levied against all real property in the area covered by the Project in the last full tax year in which the area was subject to taxation, or in the event the property was tax exempt, then the amount of the taxes that would have been assessed had the property been subject to conventional taxation, which amount the parties agree is \$51,967 or an amount no less than the Annual Gross Service Charge.

xvi. Net Profit - The Gross Revenues of the Entity less all operating and non-operating expenses of the Entity, all determined in accordance with generally accepted accounting principles, but:

(1) there shall be included in expenses: (a) all Annual Service charges paid pursuant to N.J.S.A. 40A:20-12; (b) all payments to the City of excess profits pursuant to N.J.S.A. 40A:20-15 or N.J.S.A. 40A:20-16; (c) an annual amount sufficient to amortize (utilizing the straight line method-equal annual amounts) the Total Project Cost and all capital costs determined in accordance

with generally accepted accounting principles, of any other entity whose revenue is included in the computation of excess profits over the term of this agreement; (d) all reasonable annual operating expenses of the Entity and any other entity whose revenue is included in the computation of excess profits including the cost of all management fees, brokerage commissions, insurance premiums, all taxes or service charges paid, legal, accounting, or other professional service fees, utilities, building maintenance costs, building and office supplies and payments into repair or maintenance reserve accounts; (e) all payments of rent including but not limited to ground rent by the Entity; (f) all debt service; and

(2) there shall not be included in expenses either depreciation or obsolescence, interest on debt, except interest which is part of debt service, income taxes or salaries, bonuses or other compensation paid, directly or indirectly to directors, officers and stockholders of the entity, or officers, partners or other persons holding a proprietary ownership interest in the entity.

xvii. Pronouns - He or it shall mean the masculine, feminine or neuter gender, the singular, as well as the plural, as context requires.

xviii. Substantial Completion - The determination by the City that the Project, in whole or in part, is ready for the use intended, which ordinarily shall mean the date on which the Project receives, or is eligible to receive any Certificate of Occupancy for any portion of the Project.

xix. Termination - Any act or omission which by operation of the terms of this Financial Agreement shall cause the Entity to relinquish its tax exemption.

xx. Total Project Cost - The total cost of constructing the Project through the date a Certificate(s) of Occupancy is issued for the entire Project, which categories of cost are set forth in N.J.S.A. 40A:20-3(h). There shall be included in Total Project Cost the actual costs incurred by the Entity and certified by an independent and qualified architect or engineer, which are associated with site remediation and cleanup of environmentally hazardous materials or contaminants in accordance with State or Federal law and any extraordinary costs incurred including the cost of demolishing structures, relocation or removal of public utilities, cost of relocating displaced residents or buildings and the clearing of title. The Entity agrees that final Total Project Cost shall not be less than its estimated Total Project Cost.

ARTICLE II - APPROVAL

Section 2.1 Approval of Tax Exemption

The City hereby grants its approval for a tax exemption for the condominium unit, constituting the Project to be constructed and maintained in accordance with the terms and conditions of this Agreement and the provisions of the Law which Improvements shall be constructed on a portion of certain property known on the Official Tax Assessor's Map of the City as: Block 1866, Lots B3, B4, C1, 16, 17A, 18A, 19, 20, 25H and 25J, more commonly known by the street address of the Corner of Bergen and Sip Avenues, Jersey City, New Jersey, and described by metes and bounds in Exhibit 1 attached hereto [Property].

Section 2.2 Approval of Entity

Approval is granted to the Entity whose Certificate of Formation is attached hereto as Exhibit 4. Entity represents that its Certificate contains all the requisite provisions of the Law; has been reviewed and approved by the Commissioner of the Department of Community Affairs; and has been filed with, as appropriate, the Office of the State Treasurer or Office of the Hudson County Clerk, all in accordance with N.J.S.A. 40A:20-5.

Section 2.3 Improvements to be Constructed

Entity represents that, it intends to construct the Commercial Unit which will have 7 stories with an underground level. The Commercial Unit will have 700 parking spaces and 70,385 net square feet of retail space, all of which is specifically described in the Application attached hereto as Exhibit 3.

Section 2.4 Construction Schedule

The Entity agrees to diligently undertake to commence construction and complete the Project in accordance with the Estimated Construction Schedule, attached hereto as Exhibit 5.

Section 2.5 Ownership, Management and Control

The Entity represents that it is the owner of the condominium unit, consisting of the Project to be constructed. Upon construction, the Entity represents that the Improvements will be managed and controlled by the Entity, and will be master leased to Commercial Leasing Associates the terms of which are described in Exhibit H.

The Entity represents that it is the owner of the Land upon which the project is to be

constructed and will manage and control the Project. The City acknowledges that the Entity may enter into a management agreement for the Project and will pay a management fee, which fee was disclosed in its tax exemption application. The City acknowledges that the Entity may enter into future management agreements so long as such agreements are not used to reduce the City's economic benefits under this Agreement and the management fees to be paid are comparable to those disclosed in the application.

Section 2.6 Financial Plan

The Entity represents that the Improvements shall be financed in accordance with the Financial Plan attached hereto as Exhibit 6. The Plan sets forth estimated Total Project Cost, the amortization rate on the Total Project Cost, the source of funds, the interest rates to be paid on construction financing, the source and amount of paid-in capital, and the terms of any mortgage amortization.

Section 2.7 Statement of Rental Schedules and Lease Terms

The Entity represents that its good faith projections of the initial rental schedules and lease terms are set forth in Exhibit 7.

ARTICLE III - DURATION OF AGREEMENT

Section 3.1 Term

So long as there is compliance with the Law and this Agreement, it is understood and agreed by the parties hereto that this Agreement shall remain in effect for the earlier of 35 years from the date of the adoption of Ordinance _____ on _____, 2008, which approved the tax exemption or 30 years from the date of Substantial Completion of the Project. The tax exemption shall only be effective during the period of usefulness of the Project and shall continue in force only while the Project is owned by a corporation or association formed and operating under the Law.

ARTICLE IV - ANNUAL SERVICE CHARGE

Section 4.1 Annual Service Charge

In consideration of the tax exemption, the Entity shall make the following payments to the City:

- (i) City Service Charge: an amount equal to the greater of: the Minimum Annual Service Charge or an Annual Service Charge equal to ten percent (10%) of the Annual Gross Revenue. The

Annual Service Charge shall be billed initially based upon the Entity's estimates of Annual Gross Revenue which shall not be less than its estimate of Gross Revenue as set forth in its Financial Plan, attached hereto as Exhibit 6. Thereafter, the Annual Service Charge shall be increased in accordance with the Master Lease and this Agreement.

A Minimum Annual Service Charge calculated under Section 1.2 (xv) shall be due beginning on the effective date of this Agreement. The greater of the Annual Service Charge or Minimum Annual Service Charge calculated under Section 1.2 (xviii), as the case may be, shall be due on the first day of the month following the Substantial Completion of the Project. In the event the Entity fails to timely pay the Minimum Annual Service Charge or the Annual Service Charge, the unpaid amount shall bear the highest rate of interest permitted in the case of unpaid taxes or tax liens on land until paid.

(ii) County Annual Service Charge: an amount equal to 5% of the Annual Service Charge upon receipt of that charge, for remittance to the County by the City.

Section 4.2 Staged Adjustments

The Annual Service Charge shall be adjusted, in Stages over the term of the tax exemption in accordance with N.J.S.A. 40A:20-12(b) as follows:

- i. Stage One: From the 1st day of the month following Substantial Completion until the last day of the 15th year, the Annual Service Charge shall be 10% of Annual Gross Revenue;
- ii. Stage Two: Beginning on the 1st day of the 16th year following Substantial Completion until the last day of the 21st year, an amount equal to the greater of the Annual Service Charge or 20% of the amount of the taxes otherwise due on the value of the land and Improvements;
- iii. Stage Three: Beginning on the 1st day of the 22nd year following the Substantial Completion until the last day of the 27th year, an amount equal to the greater of the Annual Service Charge or 40% of the amount of the taxes otherwise due on the value of the land and Improvements;
- iv. Stage Four: Beginning on the 1st day of the 28th year following Substantial Completion until the last day of the 29th year, an amount equal to the greater of the Annual Service Charge or 60% of the amount of the taxes otherwise due on the value of the land and Improvements.
- v. Final Stage: Beginning on the 1st day of the 30th year following Substantial Completion through the date the tax exemption expires, an amount equal to the greater of the

Annual Service Charge or 80% of the amount of the taxes otherwise due on the value of the land and Improvements.

Section 4.3 Credits

The Entity is required to pay both the Annual Service Charge, and the Land Tax Payments. The Entity is obligated to make timely Land Tax Payments, including any tax on the pre-existing improvements, in order to be entitled to a Land Tax credit against the Annual Service Charge for the subsequent year. The Entity shall be entitled to credit for the amount, without interest, of the Land Tax Payments made in the last four preceding quarterly installments against the Annual Service Charge. In any quarter that the Entity fails to make any Land Tax Payments when due and owing, such delinquency shall render the Entity ineligible for any Land Tax Payment credits against the Annual Service Charge for that quarter. No credit will be applied against the Annual Service Charge for partial payments of Land Taxes. In addition, the City shall have, among this remedy and other remedies, the right to proceed against the Property pursuant to the In Rem Tax Foreclosure Act, N.J.S.A. 54:5-1, et seq. and/or declare a Default and terminate this Agreement.

Section 4.4 Quarterly Installments

The Entity expressly agrees that the Annual Service Charge shall be made in quarterly installments on those dates when real estate tax payments are due; subject, nevertheless, to adjustment for over or underpayment within thirty (30) days after the close of each calendar year. In the event that the Entity fails to pay the Annual Service Charge, the unpaid amount shall bear the highest rate of interest permitted in the case of unpaid taxes or tax liens on the land until paid.

Section 4.5 Administrative Fee

The Entity shall also pay an annual Administrative Fee to the City in addition to the Annual Service Charge and Land Tax levy. The Administrative Fee shall be calculated as two (2%) percent of each prior year's Annual Service Charge. This fee shall be payable and due on or before December 31st of each year, and collected in the same manner as the Annual Service Charge. In the event that the Entity fails to timely pay the Administrative Fee, the amount unpaid shall bear the highest rate of interest permitted in the case of unpaid taxes or tax liens on the land until paid.

Section 4.6 Affordable Housing Contribution and Remedies

A. **Contribution.** The Entity shall pay the City the sum of \$420,578 or \$1.50 per square

foot for retail and garage use based upon gross not leaseable space of 70,385, as a contribution. The sum shall be due and payable as follows:

25% on or before the execution of the tax exemption Financial Agreement; 25% on or before the issuance of a Certificate of Occupancy for the Project; 25% on or before the issuance of a Certificate of Occupancy for Tower North; and 25% on or before the issuance of a Certificate of Occupancy for Tower South. The Entity acknowledges that the City relies on this payment and will enter into agreements in anticipation of receiving such funds in a timely manner.

B. **Remedies.** In the event that the Entity fails to timely pay the contribution, the amount unpaid shall be added to the service charge and shall bear the highest rate of interest permitted in the case of unpaid taxes or tax liens on the land until paid.

Section 4.7 Material Conditions

It is expressly agreed and understood that the timely payments of Land Taxes, Minimum Annual Service Charges, Annual Service Charges, including adjustments thereto, Administrative Fees, Affordable Housing Contributions, and any interest thereon, are Material Conditions of this Agreement.

ARTICLE V - PROJECT EMPLOYMENT AND CONTRACTING AGREEMENT

Section 5.1 Project Labor Agreement and Project Employment and Contracting Agreement

In order to provide City residents and businesses with certain employment and other economic related opportunities, the Entity is subject to the terms and conditions of the Project Employment and Contracting Agreement, attached hereto as Exhibit 8. In addition, the Entity shall execute a Project Labor Agreement as required by Ordinance 07-123 as it exists or as it may be amended from time to time.

ARTICLE VI - CERTIFICATE OF OCCUPANCY

Section 6.1 Certificate of Occupancy

It is understood and agreed that it shall be the obligation of the Entity to obtain all Certificates of Occupancy in a timely manner so as to complete construction in accordance with the proposed construction schedule attached hereto as Exhibit 5. The failure to secure the Certificates of Occupancy shall subject the property to full taxation for the period between the date of Substantial

Completion and the date the Certificate of Occupancy is obtained.

Section 6.2 Filing of Certificate of Occupancy

It shall be the primary responsibility of the Entity to forthwith file with both the Tax Assessor and the Tax Collector a copy of each Certificate of Occupancy.

Failure of the Entity to file such issued Certificate of Occupancy as required by the preceding paragraph, shall not militate against any action or non-action, taken by the City, including, if appropriate retroactive billing with interest for any charges determined to be due, in the absence of such filing by the Entity.

ARTICLE VII - ANNUAL REPORTS

Section 7.1 Accounting System

The Entity agrees to maintain a system of accounting and internal controls established and administered in accordance with generally accepted accounting principles.

Section 7.2 Periodic Reports

A. An Auditor's Report: Within ninety (90) days after the close of each fiscal or calendar year, depending on the Entity's accounting basis that the Agreement shall continue in effect, the Entity shall submit to the Mayor and Municipal Council and the NJ Division of Local Government Services in the Department of Community Affairs, its Auditor's Report for the preceding fiscal or calendar year. The Auditor's Report shall include, but not be limited to: condominium unit purchase price, and the terms and interest rate on any mortgage(s) associated with the purchase or construction of the Project and such details as may relate to the financial affairs of the Entity and to its operation and performance hereunder, pursuant to the Law and this Agreement. The Report shall clearly identify and calculate the Net Profit for the Entity during the previous year.

B. Disclosure Statement: On the anniversary date of the execution of this Agreement, and each and every year thereafter while this agreement is in effect, the Entity shall submit to the Municipal Council, the Tax Collector and the City Clerk, who shall advise those municipal officials required to be advised, a Disclosure Statement listing the persons having an ownership interest in the Project, and the extent of the ownership interest of each and such additional information as the City may request from time to time.

Section 7.3 Inspection/Audit

The Entity shall permit the inspection of its property, equipment, buildings and other facilities of the Project and, if deemed appropriate or necessary, any other related Entity by representatives duly authorized by the City and the NJ Division of Local Government Services in the Department of Community Affairs. It shall also permit, upon request, examination and audit of its books, contracts, records, documents and papers. Such examination or audit shall be made during the reasonable hours of the business day, in the presence of an officer or agent designated by the Entity.

All costs incurred by the City to conduct the audit, including reasonable attorneys' fees if appropriate, shall be billed to the Entity and paid to the City as part of the Entity's Annual Service Charge. Delinquent payments shall accrue interest at the same rate as for a delinquent service charge.

ARTICLE VIII- LIMITATION OF PROFITS AND RESERVES

Section 8.1 Limitation of Profits and Reserves

During the period of tax exemption as provided herein, the Entity shall be subject to a limitation of its profits pursuant to the provisions of N.J.S.A. 40A:20-15.

The Entity shall have the right to establish a reserve against vacancies, unpaid rentals, and reasonable contingencies in an amount equal to five (5%) percent of the Gross Revenue of the Entity for the last full fiscal year preceding the year and may retain such part of the excess Net Profits as is necessary to eliminate a deficiency in that reserve, as provided in N.J.S.A. 40A:20-15. The reserve is to be non-cumulative, it being intended that no further credits thereto shall be permitted after the reserve shall have attained the allowable level of five (5%) percent of the preceding year's Gross Revenue. Pursuant to N.J.S.A. 40A:20-14(b) there is expressly excluded from the calculation of Gross Revenue and Net Profit in the determination of Excess Profit, any gain realized by the Entity on the sale of any condominium unit, whether or not taxable under federal or state law.

Section 8.2 Annual Payment of Excess Net Profit

In the event the Net Profits of the Entity, in any fiscal year, shall exceed the Allowable Net Profits for such period, then the Entity, within one hundred and twenty (120) days after the end of such fiscal year, shall pay such excess Net Profits to the City as an additional service charge; provided, however, that the Entity may maintain a reserve as determined pursuant to aforementioned

paragraph 8.1. The calculation of the entity's excess net profits shall include those project costs directly attributable to site remediation and cleanup expenses and any other costs excluded in the definition of Total Project Cost in Section 1.2 (xx) of this Agreement even though those costs may have been deducted from the project costs for purposes of calculating the annual service charge.

Section 8.3 Payment of Reserve/ Excess Net Profit Upon Termination, Expiration or Sale

The date of termination, expiration or sale shall be considered to be the close of the fiscal year of the Entity. Within ninety (90) days after such date, the Entity shall pay to the City the amount of the reserve, if any, maintained by it pursuant to this section and the excess Net Profit, if any.

ARTICLE IX - ASSIGNMENT AND/OR ASSUMPTION

Section 9.1 Approval

Any sale or transfer of the Project, shall be void unless approved in advance by Ordinance of the Municipal Council. It is understood and agreed that the City, on written application by the Entity, will not unreasonably withhold its consent to a sale of the Project and the transfer of this Agreement provided 1) the new Entity does not own any other Project subject to long term tax exemption at the time of transfer; 2) the new Entity is formed and eligible to operate under the Law; 3) the Entity is not then in default of this Agreement or the Law; 4) the Entity's obligations under this Agreement is fully assumed by the new Entity, 5) the Entity shall pay the City a transfer fee equal to 2% of the then current Annual Service Charge as required by N.J.S.A. 40A:20-10d.

Nothing herein shall prohibit any transfer of the ownership interests in the Entity itself provided that the transfer, if greater than 10%, is disclosed to the City in the Annual Disclosure statement or in correspondence sent to the City in advance of the filing of the Annual Disclosure Statement, all in accord with the Law.

Section 9.2 Fee

Where the consent or approval of the City is sought for approval of a change in ownership or sale or transfer of the Project, the Entity shall be required to pay to the City a new tax exemption application fee for the legal and administrative services of the City, as it relates to the review, preparation and/or submission of documents to the Municipal Council for appropriate action on the requested assignment. The fee shall be non-refundable.

ARTICLE X - COMPLIANCE

Section 10.1 Operation

During the term of this Agreement, the Project shall be maintained and operated in accordance with the provisions of the Law. Operation of Project under this Agreement shall not only be terminable as provided by N.J.S.A. 40A:20-1, et seq., as currently amended and supplemented, but also by a Default under this Agreement. The Entity's failure to comply with the Law shall constitute a Default under this Agreement and the City shall, among its other remedies, have the right to terminate the tax exemption.

Section 10.2 Disclosure of Lobbyist Representative

During the term of this Agreement, the Entity must comply with Executive Order 2002-005, and Ordinance 02-075, requiring Written Disclosure of Lobbyist Representative Status. The Entity's failure to comply with the Executive Order or the Ordinance shall constitute a Default under this Agreement and the City shall, among its other remedies, have the right to terminate the tax exemption.

ARTICLE XI - DEFAULT

Section 11.1 Default

Default shall be failure of the Entity to conform with the terms of this Agreement or failure of the Entity to perform any obligation imposed by the Law, beyond any applicable notice, cure or grace period.

Section 11.2 Cure Upon Default

Should the Entity be in Default, the City shall send written notice to the Entity of the Default [Default Notice]. The Default Notice shall set forth with particularity the basis of the alleged Default. The Entity shall have sixty (60) days, from receipt of the Default Notice, to cure any Default which shall be the sole and exclusive remedy available to the Entity. However, if, in the reasonable opinion of the City, the Default cannot be cured within sixty (60) days using reasonable diligence, the City will extend the time to cure.

Subsequent to such sixty (60) days, or any approved extension, the City shall have the right to terminate this Agreement in accordance with Section 12.1.

Should the Entity be in default due to a failure to pay any charges defined as Material Conditions in Section 4.7, the Entity shall not be subject to the default procedural remedies as

provided herein but shall allow the City to proceed immediately to terminate the Agreement as provided in Article XII herein.

Section 11.3 Remedies Upon Default

The City shall, among its other remedies, have the right to proceed against the Entity's Property pursuant to the In Rem Tax Foreclosure Act, N.J.S.A. 54:5-1, et seq. and/or may declare a Default and terminate this Agreement. Any default arising out of the Entity's failure to pay Land Taxes, the Minimum Annual Service Charge, Administrative Fees, Affordable Housing Contribution, or the Annual Service Charges shall not be subject to the default procedural remedies as provided in Article XI herein, but shall allow the City to proceed immediately to terminate the Agreement as provided in Article XII. All of the remedies provided in this Agreement to the City, and all rights and remedies granted to it by law and equity shall be cumulative and concurrent. No termination of any provision of this Agreement shall deprive the City of any of its remedies or actions against the Entity because of its failure to pay Land Taxes, the Minimum Annual Service Charge, Annual Service Charge, Affordable Housing Contribution or Administrative Fees. This right shall apply to arrearages that are due and owing at the time or which, under the terms hereof, would in the future become due as if there had been no termination. Further, the bringing of any action for Land Taxes, the Minimum Annual Service Charge, the Annual Service Charge, Affordable Housing Contribution, Administrative Fees, or for breach of covenant or the resort to any other remedy herein provided for the recovery of Land Taxes shall not be construed as a waiver of the rights to terminate the tax exemption or proceed with a tax sale or Tax Foreclosure action or any other specified remedy.

In the event of a Default on the part of the Entity to pay any charges set forth in Article IV, the City among its other remedies, reserves the right to proceed against the Entity's land and property, in the manner provided by the In Rem Foreclosure Act, and any act supplementary or amendatory thereof. Whenever the word taxes appear, or is applied, directly or impliedly to mean taxes or municipal liens on land, such statutory provisions shall be read, as far as is pertinent to this Agreement, as if the charges were taxes or municipal liens on land.

ARTICLE XII- TERMINATION

Section 12.1 Termination Upon Default of the Entity

In the event the Entity fails to cure or remedy the Default within the time period provided in Section 11.2, the City may terminate this Agreement upon thirty (30) days written notice to the Entity [Notice of Termination].

Section 12.2 Voluntary Termination by the Entity

The Entity may after the expiration of one year from the Substantial Completion of the Project notify the City that as of a certain date designated in the notice, it relinquishes its status as a tax exempt Project. As of the date so set, the tax exemption, the Annual Service Charges and the profit and dividend restrictions shall terminate.

Section 12.3 Final Accounting

Within ninety (90) days after the date of termination, whether by affirmative action of the Entity or by virtue of the provisions of the Law or pursuant to the terms of this Agreement, the Entity shall provide a final accounting and pay to the City the reserve, if any, pursuant to the provisions of N.J.S.A. 40A:20-13 and 15 as well as any excess Net Profits. For purposes of rendering a final accounting the termination of the Agreement shall be deemed to be the end of the fiscal year for the Entity.

Section 12.4 Conventional Taxes

Upon Termination or expiration of this Agreement, the tax exemption for the Project shall expire and the land and the Improvements thereon shall thereafter be assessed and conventionally taxed according to the general law applicable to other nonexempt taxable property in the City.

Section 12.5 Termination Payment

In addition to any other remedies available to the City upon termination whether voluntary or upon default, the Entity shall pay to the City an amount equal to the difference between the service charge actually paid and the service charge that would have been due had each adjustment period provided in Section 4.2 hereof, been of the shortest duration permitted by law, thereby generating the most accelerated increases, permitted by law.

ARTICLE XIII - DISPUTE RESOLUTION

Section 13.1 Arbitration

In the event of a breach of the within Agreement by either of the parties hereto or a dispute arising between the parties in reference to the terms and provisions as set forth herein, either party

may apply to the Superior Court of New Jersey by an appropriate proceeding, to settle and resolve the dispute in such fashion as will tend to accomplish the purposes of the Law. In the event the Superior Court shall not entertain jurisdiction, then the parties shall submit the dispute to the American Arbitration Association in New Jersey to be determined in accordance with its rules and regulations in such a fashion to accomplish the purpose of the Long Term Tax Exemption Law. The cost for the arbitration shall be borne equally by the parties. The parties agree that the Entity may not file an action in Superior Court or with the Arbitration Association unless the Entity has first paid in full all charges defined in Article IV, Section 4.7 as Material Conditions.

ARTICLE XIV - WAIVER

Section 14.1 Waiver

Nothing contained in this Financial Agreement or otherwise shall constitute a waiver or relinquishment by the City of any rights and remedies, including, without limitation, the right to terminate the Agreement and tax exemption for violation of any of the conditions provided herein. Nothing herein shall be deemed to limit any right of recovery of any amount which the City has under law, in equity, or under any provision of this Agreement.

ARTICLE XV - INDEMNIFICATION

Section 15.1 Defined

It is understood and agreed that in the event the City shall be named as party defendant in any third party action alleging any breach, default or a violation of any of the provisions of this Agreement and/or the provisions of N.J.S.A. 40A:20-1 et seq., the Entity shall indemnify and hold the City harmless against any and all liability, loss, cost, expense (including reasonable attorneys' fees and costs, through trial and all stages of any appeal, including the cost of enforcing this indemnity) arising out of Agreement. In addition, the Entity expressly waives all statutory or common law defenses or legal principles which would defeat the purposes of this indemnification. The Entity also agrees to defend the suit on behalf of the City at its own expense, by counsel to be selected by the City, subject to the reasonable consent of the Entity. However, the City maintains the right to intervene as a party thereto, to which intervention the Entity consents; the expense thereof to be borne by the City.

ARTICLE XVI- NOTICE

Section 16.1 Certified Mail/Overnight Carrier

Any notice required hereunder to be sent by either party to the other shall be sent by certified or registered mail, return receipt requested or by a recognized overnight carrier.

Section 16.2 Sent by City

When sent by the City to the Entity the notice shall be addressed to:

MEPT Journal Square Urban Renewal, LLC
c/o New Tower Trust Company
3 Bethesda Metro Center Suite 1600
Bethesda, MD 20814

and

Eugene T. Paolino, Esq.
Schumann Hanlon, LLC
30 Montgomery Street – 15th Floor
Jersey City, New Jersey 07302

with a copy to:

McNaul Ebel Nawrot & Helgren, PLLC
600 University Street, Suite 2700
Seattle, WA 98101-3143

and

Kennedy Associates
7315 Wisconsin Avenue, Suite 350 West
Bethesda, MD 20814

unless prior to giving of notice the Entity shall have notified the City in writing otherwise.

In addition, provided the City is sent a formal written notice in accordance with this Agreement, of the name and address of Entity's Mortgagee, the City agrees to provide such Mortgagee with a copy of any notice required to be sent to the Entity.

Section 16.3 Sent by Entity

When sent by the Entity to the City, it shall be addressed to:

City of Jersey City, Office of the City Clerk
City Hall
280 Grove Street
Jersey City, New Jersey 07302,

with copies sent to the Corporation Counsel, the Business Administrator, and the Tax Collector unless prior to the giving of notice, the City shall have notified the Entity otherwise. The notice to

the City shall identify the Project to which it relates, (i.e., the Urban Renewal Entity and the Property's Block and Lot number).

ARTICLE XVII-SEVERABILITY

Section 17.1 Severability

If any term, covenant or condition of this Agreement or the Application, except a Material Condition, shall be judicially declared to be invalid or unenforceable, the remainder of this Agreement or the application of such term, covenant or condition to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each term, covenant or condition of this Agreement shall be valid and be enforced to the fullest extent permitted by law.

If a Material Condition shall be judicially declared to be invalid or unenforceable and provided the Entity is not in Default of this Agreement, the parties shall cooperate with each other to take the actions reasonably required to restore the Agreement in a manner contemplated by the parties and the Law. This shall include, but not be limited to the authorization and re-execution of this Agreement in a form reasonably drafted to effectuate the original intent of the parties and the Law. However, the City shall not be required to restore the Agreement if it would modify a Material Condition, the amount of the periodic adjustments or any other term of this Agreement which would result in any economic reduction or loss to the City.

ARTICLE XVIII - MISCELLANEOUS

Section 18.1 Construction

This Agreement shall be construed and enforced in accordance with the laws of the State of New Jersey, and without regard to or aid of any presumption or other rule requiring construction against the party drawing or causing this Agreement to be drawn since counsel for both the Entity and the City have combined in their review and approval of same.

Section 18.2 Conflicts

The parties agree that in the event of a conflict between the Application and the language contained in the Agreement, the Agreement shall govern and prevail. In the event of conflict between the Agreement and the Law, the Law shall govern and prevail.

Section 18.3 Oral Representations

There have been no oral representations made by either of the parties hereto which are not contained in this Agreement. This Agreement, the Ordinance authorizing the Agreement, and the Application constitute the entire Agreement between the parties and there shall be no modifications thereto other than by a written instrument approved and executed by both parties and delivered to each party.

Section 18.4 Entire Document / Prior Agreement

This Agreement and all conditions in the Ordinance of the Municipal Council approving this Agreement are incorporated in this Agreement and made a part hereof.

Section 18.5 Good Faith

In their dealings with each other, utmost good faith is required from the Entity and the City.

Section 18.6 Effective Date

The Effective Date shall be the date on which this Agreement is fully executed by all parties thereto.

ARTICLE XIX - EXHIBITS and SCHEDULES

Section 19. Exhibits

The following Exhibits are attached hereto and incorporated herein as if set forth at length herein:

1. Metes and Bounds description of the Project;
2. Ordinance of the City authorizing the execution of this Agreement;
3. The Application with Exhibits;
4. Certificate of the Entity;
5. Estimated Construction Schedule;
6. The Financial Plan for the undertaking of the Project;
7. Good Faith Estimate of Initial Rental Schedule and Lease Terms;
8. Project Employment and Contracting Agreement and Project Labor Agreement;
9. Architect's Certification of Actual Construction Costs.
10. Master Sublease Schedule of Minimal Rents.

IN WITNESS WHEREOF, the parties have caused these presents to be executed the day and year first above written.

WITNESS:

**MEPT Journal Square Urban Renewal, LLC, a
New Jersey Limited Liability Company**

**By: New Tower Trust Company as Trustee of
New Tower Trust Company Multi-Employer
Property Trust, its Managing Member**

**By: _____
Patrick O. Mayberry, President**

ATTEST:

CITY OF JERSEY CITY

**ROBERT BYRNE
CITY CLERK**

**BRIAN O'REILLY
BUSINESS ADMINISTRATOR**

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

Ord. 08-164

ORDINANCE NO. _____

3.J. NOV 12 2008 4.J.

TITLE: _____

Ordinance approving a 30 year tax exemption for a market rate commercial (Retail/Parking Garage) use rental project to be constructed by MEPT Journal Square Urban Renewal, LLC., an urban renewal entity, pursuant to the Long Term Tax Exemption Law N.J.S.A. 40A:20-1 et seq. (Unit 1 or the Commercial Unit).



RECORD OF COUNCIL VOTE ON INTRODUCTION											
NOV 12 2008 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
SPINELLO				FULOP				FLOOD			
LIPSKI				RICHARDSON				VEGA, PRES.			

✓ Indicates Vote

N.V.-Not Voting (Abstain)

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

✓ Indicates Vote

N.V.-Not Voting (Abstain)

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

✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on NOV 12 2008

Adopted on second and final reading after hearing on _____

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

APPROVED:

Robert Byrne, City Clerk

Mariano Vega, Jr., Council President
Date: _____

APPROVED:

*Amendment(s):

Jerramiah T. Healy, Mayor
Date _____
Date to Mayor _____

City Clerk File No. Ord. 08-165

Agenda No. 3.K 1st Reading

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



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 08-165

TITLE: ORDINANCE APPROVING A 30 YEAR TAX EXEMPTION FOR A MARKET RATE RESIDENTIAL USE RENTAL PROJECT TO BE CONSTRUCTED BY MEPT JOURNAL SQUARE TOWER NORTH URBAN RENEWAL, LLC, AN URBAN RENEWAL ENTITY, PURSUANT TO THE LONG TERM TAX EXEMPTION LAW N.J.S.A. 40A:20-1 ET SEQ. (UNIT 2 OR TOWER NORTH)

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

WHEREAS, MEPT Journal Square Tower North Urban Renewal, LLC, 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 owner of Unit 2 [Tower North] that is one (1) condominium unit of a three (3) unit condominium project [the Journal Square Development], located on certain property known as Block 1866, Lots B3, B4, C1, 16, 17A, 18A, 19, 20, 25H and 25J, on the City's Official Tax map, consisting of approximately 1.5 acres, bounded by Bergen Avenue/Kennedy Boulevard to the West, the PATH Transportation Center to the North, Hudson County Community College to the East and Sip Avenue to the South, and more specifically described by metes and bounds, in the application [Property]; and

WHEREAS, the Entity will lease the Tower North to Journal Square Residential Leasing Associates, LLC [the Leasing Entity], that thereupon, will lease the property to third party occupants; and

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

WHEREAS, since the Entity estimates construction costs that will exceed \$25 million, the Project (as defined in the next Recital) shall be subject to a Project Labor Agreement as required by Ordinance 07-123; and

WHEREAS, the Entity has applied for a 30 year long term tax exemption to construct a new sixty-eight (68) story building with approximately nine hundred twenty-two (922) residential rental units on the Property [the Project]; and

WHEREAS, MEPT Journal Square Tower North Urban Renewal, LLC, has agreed to:

1. pay the greatest of:

(i) the Minimum Annual Service Charge or

(ii) 10% of the Annual Gross Revenue each year, which sum shall be a minimum of \$425,000 in year 1; \$850,000 in year 2; \$1,275,000 in year 3; \$1,700,000 in years 4 through 7; \$2,125,000 in years 8 through 19; and \$2,550,000 in years 20 through 30; or

ORDINANCE APPROVING A 30 YEAR TAX EXEMPTION FOR A MARKET RATE RESIDENTIAL USE RENTAL PROJECT TO BE CONSTRUCTED BY MEPT JOURNAL SQUARE TOWER NORTH URBAN RENEWAL, LLC, AN URBAN RENEWAL ENTITY, PURSUANT TO THE LONG TERM TAX EXEMPTION LAW N.J.S.A. 40A:20-1 ET SEQ. (UNIT 2 OR TOWER NORTH)

- (iii) upon the Substantial Completion of Tower South Urban Renewal, LLC tax exemption, approved by the adoption of an ordinance simultaneously herewith, 10% of the Annual Gross Revenue each year, which sum shall be a minimum of \$250,000 in year 1; \$500,000 in year 2; \$750,000 in year 3; \$1,000,000 in years 4 through 7; \$1,250,000 in years 8 through 19; and \$1,500,000 in years 20 through 30; or
 - (iv) the amount of the maximum statutory staged increases over the term of the tax exemption; and
2. pay an annual sum equal to 2% of each prior year's Annual Service Charge as an Administrative Fee; and
 3. provide employment and other economic opportunities for City residents and businesses; and
 4. pay to the City, for remittance to Hudson County, an amount equal to 5% of the Annual Service Charge upon receipt of that charge; and
 5. pay the sum of \$1,383,000 to the City's Affordable Housing Trust Fund in four (4), rather than three (3), installments as set forth in the Financial Agreement; and

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

1. the current real estate taxes generate revenue of only \$173,223 (50% of the total taxes of \$346,446 for the Journal Square Development) whereas, the Annual Service Charge, will generate minimal revenue of \$425,000 in year 1; \$850,000 in year 2; \$1,275,000 in year 3; \$1,700,000 in years 4 through 7; \$2,125,000 in years 8 through 19; and \$2,550,000 in years 20 through 30 to the City;
2. it is expected that the Journal Square Development will create approximately 439 jobs during construction and 300 new permanent jobs;
3. the Project will stabilize and contribute to the economic growth of businesses in the surrounding area;
4. the Project will further the overall redevelopment objectives of the Journal Square Redevelopment Plan;
5. the City's impact analysis, on file with the Office of the City Clerk, indicates that the benefits of the Project outweigh the costs to the City; and

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

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

ORDINANCE APPROVING A 30 YEAR TAX EXEMPTION FOR A MARKET RATE RESIDENTIAL USE RENTAL PROJECT TO BE CONSTRUCTED BY MEPT JOURNAL SQUARE TOWER NORTH URBAN RENEWAL, LLC, AN URBAN RENEWAL ENTITY, PURSUANT TO THE LONG TERM TAX EXEMPTION LAW N.J.S.A. 40A:20-1 ET SEQ. (UNIT 2 OR TOWER NORTH)

WHEREAS, MEPT Journal Square Tower North Urban Renewal, LLC, has initially complied with Executive Order 2002-005 concerning "Disclosure of Lobbyist Representative Status" by filing an appropriate letter in the Office of the City Clerk;

WHEREAS, MEPT Journal Square Tower North Urban Renewal, LLC, has agreed to comply with the City of Jersey City's Ordinance 07-123, Requiring Apprenticeships and Project Labor Agreements.

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

A. The application of MEPT Journal Square Tower North 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 Tower North, that is one (1) condominium unit of the Journal Square Development, located on Block 1866, Lots B3, B4, C1, 16, 17A, 18A, 19, 20, 25H and 25J, bounded by Bergen Avenue/Kennedy Boulevard to the West, the PATH Transportation Center to the North, Hudson County Community College to the East and Sip Avenue to the South, 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:

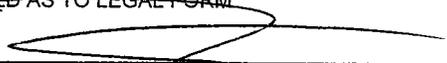
1. Term: the earlier of 35 years from the adoption of the within Ordinance or 30 years from the date the project is Substantially Complete;
2. Annual Service Charge: each year the greatest of:
 - (a) the Minimum Annual Service Charge equal to \$173,223 (50% of the total taxes for \$346,446 for the Journal Square Development) upon Project Completion, whether or not the Project is occupied; or
 - (b) upon Substantial Completion of the Tower North Urban Renewal Urban Renewal, LLC, and before the Substantial Completion of the Tower South Urban Renewal, LLC project, 10% of Gross Revenue, which shall be a minimum of \$425,000 in year 1; \$850,000 in year 2; \$1,275,000 in year 3; \$1,700,000 in years 4 through 7; \$2,125,000 in years 8 through 19; and \$2,550,000 in years 20 through 30; or
 - (c) upon the Substantial Completion of Tower South Urban Renewal, LLC tax exemption, approved by the adoption of an ordinance simultaneously herewith, 10% of the Gross Revenue each year, which sum shall be a minimum of \$250,000 in year 1; \$500,000 in year 2; \$750,000 in year 3; \$1,000,000 in years 4 through 7; \$1,250,000 in years 8 through 19; and \$1,500,000 in years 20 through 30; or
 - (d) the amount of the maximum statutory staged increases over the term of the tax exemption.
3. Administrative Fee: 2% of the prior year's Annual Service Charge;
4. County Payment: 5% of the Annual Service Charge to the City for remittance by the City to Hudson County;
5. Project: a sixty-eight (68) story building with approximately nine hundred twenty-two (922) residential rental units;

ORDINANCE APPROVING A 30 YEAR TAX EXEMPTION FOR A MARKET RATE RESIDENTIAL USE RENTAL PROJECT TO BE CONSTRUCTED BY MEPT JOURNAL SQUARE TOWER NORTH URBAN RENEWAL, LLC, AN URBAN RENEWAL ENTITY, PURSUANT TO THE LONG TERM TAX EXEMPTION LAW N.J.S.A. 40A:20-1 ET SEQ. (UNIT 2 OR TOWER NORTH)

- 6. Affordable Housing Trust Fund: \$1,383,000 (based upon \$1,500 per unit x 922 units) payable in four (4), rather than three (3), installments as set forth in the Financial Agreement;
 - 7. An obligation to execute a Project Employment and Contracting Agreement to insure employment and other economic benefits to City residents and businesses.
 - 8. Execution of a Project Labor Agreement as required by Ordinance 07-123. The Project Labor Agreement shall be in substantially the form on file in the office of the City Clerk.
- C. This Ordinance shall be contingent upon the execution by the Entity of the Prepayment and Contribution Agreements for each of the three (3) condominiums forming the Journal Square Development.
- D. The City Clerk shall deliver a certified copy of the Ordinance and Financial Agreement to the Tax Assessor and Director of the Division of Local Government Services.
- E. 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 and the Entity deem appropriate or necessary.
- F. All ordinances and parts of ordinances including Section 304-28 of the Jersey City Municipal Code, which mandates Affordable Housing Trust Fund payments in three (3) installments, inconsistent herewith are hereby repealed.
- G. 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.
- H. This ordinance shall take effect at the time and in the manner provided by law.
- I. 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
11/07/08

APPROVED AS TO LEGAL FORM


Corporation Counsel

APPROVED: _____
APPROVED: 
Business Administrator

Certification Required
Not Required

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

Ord. 08-165

ORDINANCE NO. 3.K. NOV 12 2008 4.K.
 TITLE:



Ordinance approving a 30 year tax exemption for a market rate residential use rental project to be constructed by MEPT Journal Square Urban Renewal, LLC., an urban renewal entity, pursuant to the Long Term Tax Exemption Law N.J.S.A. 40A:20-1 et seq. (Unit 2 or Tower North).

RECORD OF COUNCIL VOTE ON INTRODUCTION											
NOV 12 2008 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	✓		

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

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
SPINELLO				FULOP				FLOOD			
LIPSKI				RICHARDSON				VEGA, PRES.			

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

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

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

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

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

Adopted on first reading of the Council of Jersey City, N.J. on NOV 12 2008

Adopted on second and final reading after hearing on _____

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

APPROVED:

 Robert Byrne, City Clerk

 Mariano Vega, Jr., Council President

Date: _____

APPROVED:

*Amendment(s):

 Jerramiah T. Healy, Mayor

Date _____

Date to Mayor _____



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 08-166

TITLE: ORDINANCE APPROVING A 30 YEAR TAX EXEMPTION FOR A MARKET RATE RESIDENTIAL USE RENTAL PROJECT TO BE CONSTRUCTED BY MEPT JOURNAL SQUARE TOWER SOUTH URBAN RENEWAL, LLC, AN URBAN RENEWAL ENTITY, PURSUANT TO THE LONG TERM TAX EXEMPTION LAW N.J.S.A. 40A:20-1 ET SEQ. (UNIT 3 OR TOWER SOUTH)

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

WHEREAS, MEPT Journal Square Tower South Urban Renewal, LLC, 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 owner of Unit 3 [Tower South] that is one (1) condominium unit of a three (3) unit condominium project [the Journal Square Development], located on certain property known as Block 1866, Lots B3, B4, C1, 16, 17A, 18A, 19, 20, 25H and 25J, on the City's Official Tax map, consisting of approximately 1.5 acres, bounded by Bergen Avenue/Kennedy Boulevard to the West, the PATH Transportation Center to the North, Hudson County Community College to the East and Sip Avenue to the South, and more specifically described by metes and bounds, in the application [Property]; and

WHEREAS, the Entity will lease Tower South to Journal Square Residential Leasing Associates, LLC [the Leasing Entity], that will thereupon lease the property to third party occupants; and

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

WHEREAS, since the Entity estimates construction costs that will exceed \$25 million, the project shall be subject to a Project Labor Agreement as required by Ordinance 07-123; and

WHEREAS, the Entity has applied for a 30 year long term tax exemption to construct a new fifty (50) story building with approximately six hundred ninety-three (693) residential rental units on the Property [the Project]; and

WHEREAS, MEPT Journal Square Tower South Urban Renewal, LLC, has agreed to:

1. pay the greatest of (i) the Minimum Annual Service Charge or (ii) 10% of the Annual Gross Revenue each year, which sum shall be a minimum of \$175,000 in year 1; \$350,000 in year 2; \$525,000 in year 3; \$700,000 in years 4 through 7; \$875,000 in years 8 through 19; and \$1,050,000 in years 20 through 30; or (iii) the amount of the maximum statutory staged increases over the term of the tax exemption; and
2. pay an annual sum equal to 2% of each prior year's Annual Service Charge as an Administrative Fee; and
3. provide employment and other economic opportunities for City residents and businesses; and

ORDINANCE APPROVING A 30 YEAR TAX EXEMPTION FOR A MARKET RATE RESIDENTIAL USE RENTAL PROJECT TO BE CONSTRUCTED BY MEPT JOURNAL SQUARE URBAN RENEWAL, LLC, AN URBAN RENEWAL ENTITY, PURSUANT TO THE LONG TERM TAX EXEMPTION LAW N.J.S.A. 40A:20-1 ET SEQ. (UNIT 3 OR TOWER SOUTH)

4. pay to the City, for remittance to Hudson County, an amount equal to 5% of the Annual Service Charge upon receipt of that charge; and
5. pay the sum of \$1,039,500 to the City's Affordable Housing Trust Fund in four (4), rather than three (3), installments as set forth in the Financial Agreement; and

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

1. the current real estate taxes generate revenue of only \$121,256 (35% of the total taxes for \$346,446 for the Journal Square Development) whereas, the Annual Service Charge, will generate minimal revenue of \$175,000 in year 1; \$350,000 in year 2; \$525,000 in year 3; \$700,000 in years 4 through 7; \$875,000 in years 8 through 19; and \$1,050,000 in years 20 through 30 to the City;
2. it is expected that the Journal Square Development will create approximately 439 jobs during construction and 300 new permanent jobs;
3. the Project will stabilize and contribute to the economic growth of businesses in the surrounding area;
4. the Project will further the overall redevelopment objectives of the Journal Square Redevelopment Plan;
5. the City's impact analysis, on file with the Office of the City Clerk, indicates that the benefits of the Project outweigh the costs to the City; and

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

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

WHEREAS, MEPT Journal Square Tower South Urban Renewal, LLC, has initially complied with Executive Order 2002-005 concerning "Disclosure of Lobbyist Representative Status" by filing an appropriate letter in the Office of the City Clerk;

WHEREAS, MEPT Journal Square Tower South Urban Renewal, LLC, has agreed to comply with the City of Jersey City's Ordinance 07-123, Requiring Apprenticeships and Project Labor Agreements.

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

- A. The application of MEPT Journal Square Tower South 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 Tower South that is one (1) condominium unit of the

ORDINANCE APPROVING A 30 YEAR TAX EXEMPTION FOR A MARKET RATE RESIDENTIAL USE RENTAL PROJECT TO BE CONSTRUCTED BY MEPT JOURNAL SQUARE URBAN RENEWAL, LLC, AN URBAN RENEWAL ENTITY, PURSUANT TO THE LONG TERM TAX EXEMPTION LAW N.J.S.A. 40A:20-1 ET SEQ. (UNIT 3 OR TOWER SOUTH)

Journal Square Development, located on Block 1866, Lots Lots B3, B4, C1, 16, 17A, 18A, 19, 20, 25H and 25J, bounded by Bergen Avenue/Kennedy Boulevard to the West, the PATH Transportation Center to the North, Hudson County Community College to the East and Sip Avenue to the South, 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, provided that the Prepayment and Contribution Agreement relating to all three (3) Units of the Journal Square Development and authorized by separate Resolution has been fully executed. The Financial Agreement shall include at a minimum the following terms and conditions:

1. Term: the earlier of 35 years from the adoption of the within Ordinance or 30 years from the date the project is Substantially Complete;
2. Annual Service Charge: each year the greatest of:
 - (a) the Minimum Annual Service Charge equal to \$121,256 (35% of the total taxes of \$346,446 for the Journal Square Development) upon Project Completion, whether or not the Project is occupied; or
 - (b) 10% of the Gross Revenue each year, which sum shall be a minimum of \$175,000 in year 1; \$350,000 in year 2; \$525,000 in year 3; \$700,000 in years 4 through 7; \$875,000 in years 8 through 19; and \$1,050,000 in years 20 through 30;
 - (c) the amount of the maximum statutory staged increases over the term of the tax exemption.
3. Administrative Fee: 2% of the prior year's Annual Service Charge;
4. County Payment: 5% of the Annual Service Charge to the City for remittance by the City to Hudson County;
5. Project: a fifty (50) story building with approximately six hundred ninety-three (693) residential rental units;
6. Affordable Housing Trust Fund: \$1,039,500 (based upon \$1,500 per unit x 693 units) payable in four (4), rather than three (3), installments as set forth in the Financial Agreement;
7. An obligation to execute a Project Employment and Contracting Agreement to insure employment and other economic benefits to City residents and businesses.
8. Execution of a Project Labor Agreement as required by Ordinance 07-123. The Project Labor Agreement shall be in substantially the form on file in the office of the City Clerk.

C. This Ordinance shall be contingent upon the execution by the Entity of the Prepayment and Contribution Agreements for each of the three (3) condominiums forming the Journal Square Development.

D. The City Clerk shall deliver a certified copy of the Ordinance and Financial Agreement to the Tax Assessor and Director of the Division of Local Government Services.

E. 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 and the Entity deem appropriate or necessary.

ORDINANCE APPROVING A 30 YEAR TAX EXEMPTION FOR A MARKET RATE RESIDENTIAL USE RENTAL PROJECT TO BE CONSTRUCTED BY MEPT JOURNAL SQUARE URBAN RENEWAL, LLC, AN URBAN RENEWAL ENTITY, PURSUANT TO THE LONG TERM TAX EXEMPTION LAW N.J.S.A. 40A:20-1 ET SEQ. (UNIT 3 OR TOWER SOUTH)

F. All ordinances and parts of ordinances including Section 304-28 of the Jersey City Municipal Code, which mandates Affordable Housing Trust Fund payments in three (3) installments, inconsistent herewith are hereby repealed.

G. 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.

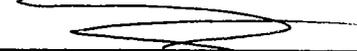
H. This ordinance shall take effect at the time and in the manner provided by law.

I. 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
11/07/08

APPROVED AS TO LEGAL FORM



Corporation Counsel

APPROVED: _____

APPROVED: 

Business Administrator

Certification Required

Not Required

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

Ord. 08-168

ORDINANCE NO. 3.N. NOV 12 2008 ~~4.N.~~

TITLE:

Ordinance supplementing Chapter 3 (Administrative Code) Article XI (Department of Police) of the City of Jersey City establishing the procedure and fees for providing off-duty Police Officers for special detail assignments.



RECORD OF COUNCIL VOTE ON INTRODUCTION											
NOV 12 2008 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
SPINELLO				FULOP				FLOOD			
LIPSKI				RICHARDSON				VEGA, PRES.			

✓ Indicates Vote

N.V.-Not Voting (Abstain)

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

✓ Indicates Vote

N.V.-Not Voting (Abstain)

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

✓ Indicates Vote

N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on NOV 12 2008

Adopted on second and final reading after hearing on _____

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

APPROVED:

Robert Byrne, City Clerk

Mariano Vega, Jr., Council President

Date: _____

APPROVED:

*Amendment(s):

Jerramiah T. Healy, Mayor

Date _____

Date to Mayor _____