



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 08-017

TITLE:

ORDINANCE SUPPLEMENTING CHAPTER A351 (EXECUTIVE ORDERS AND ORDINANCES) OF THE JERSEY CITY CODE

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

A. The following supplements to Chapter A351 (Executive Orders and Ordinances) of the Jersey City Code are adopted:

<u>Labor Grade</u>	<u>Title</u>
*	<u>Network Administrator 1</u>
*	<u>Network Administrator 2</u>

B. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

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

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For purposes of advertising only, new matter is indicated by **boldface** and repealed matter by *italic*.

**Pursuant to N.J.S.A. 40:69A-43a.*

JM/he
2-19-08

2008036

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED: _____

APPROVED: _____

Business Administrator

Certification Required

Not Required

City Clerk File No. Ord. 08-018

Agenda No. 3.B 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 08-018

TITLE: ORDINANCE AUTHORIZING THE CONVEYANCE OF BLOCK 7045, LOT B.1, MORE COMMONLY KNOWN BY THE STREET ADDRESS OF 100 HOBOKEN AVENUE, TO JERSEY CITY REDEVELOPMENT AGENCY

COUNCIL offered and moved adoption of the following Ordinance:

WHEREAS, the City of Jersey City is the owner of certain property located within Block 7045, Lot B.1, more commonly known by the street address of 100 Hoboken Avenue [Property]; and

WHEREAS, it has been determined that the Property is not needed for any municipal public purpose or use; and

WHEREAS, the Jersey City Redevelopment Agency desires to acquire the Property from the City of Jersey City in order to implement the Hoboken Avenue Redevelopment Plan within which boundaries the Property is located; and

WHEREAS, the Jersey City Redevelopment Agency has agreed to pay the City approximately \$6,000,000 (six million dollars) for the Property, based on currently proposed plans; and

WHEREAS, this consideration shall be paid on or before June 30, 2008; and

WHEREAS, in addition to compensating the City of Jersey City reasonable consideration for the conveyance to the Jersey City Redevelopment Agency, the conveyance will also effectuate the redevelopment of the Property in accordance with the terms of the Hoboken Avenue Redevelopment Plan and its return to the real estate tax rolls of the City of Jersey City; and

WHEREAS, the Jersey City Redevelopment Agency is authorized to acquire the Property from the City of Jersey City, pursuant to N.J.S.A. 40A:12A-8 and 22; and

WHEREAS, the City of Jersey City is authorized to transfer Property to the Jersey City Redevelopment Agency with or without consideration pursuant to N.J.S.A. 40A:12A-39(a) and N.J.S.A. 50A:12-13(b)(1).

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

1. The conveyance to the Jersey City Redevelopment Agency of certain lands and buildings designated on Jersey City's Official Tax Assessment Map as Block 7045, Lot B.1, consisting of approximately 1.76 acres, and more commonly known by the street address of 100 Hoboken Avenue, for the purpose of implementing the purposes of the Hoboken Avenue Redevelopment Plan, based upon currently proposed plans for approximately \$6,000,000 (six million dollars), is hereby approved.

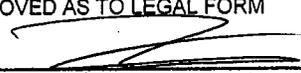
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2. The Mayor or Business Administrator is directed to execute a Cooperation Agreement(s) with the Jersey City Redevelopment Agency, and any other documents, including a deed(s), that are deemed legally necessary or appropriate by the Corporation Counsel to effectuate the transfer of the Property to the Jersey City Redevelopment Agency on or before June 30, 2008, in accordance with the above terms.
3. The Cooperation Agreement shall be in substantially the form attached, subject to such modification as the Corporation Counsel deems appropriate or necessary.
 - A. All Ordinances and parts of Ordinances inconsistent herewith, are hereby repealed.
 - B. This Ordinance shall be a part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
 - C. This Ordinance shall take effect at the time and in the manner as provided by law.
 - D. The City Clerk and the Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

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

JM/he
2/15/08

APPROVED AS TO LEGAL FORM



Corporation Counsel

APPROVED: _____

APPROVED: _____



Business Administrator

Certification Required
Not Required

City Clerk File No. _____ Ord. 08-019

Agenda No. _____ 3.C _____ 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 08-019

TITLE:

ORDINANCE AUTHORIZING THE REACQUISITION OF 111 ARLINGTON AVENUE FROM COMMUNITY EMPOWERMENT ORGANIZATION, INC. TO THE CITY OF JERSEY CITY

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

WHEREAS, the City of Jersey City was the owner of certain property known as Block 2013, Lot B, on the City's tax map, more commonly known by the street address of 111 Arlington Avenue; and

WHEREAS, Community Empowerment Organization, Inc. [CEO], a nonprofit corporation organized for the purpose of constructing or rehabilitating property for occupancy by families or persons of low or moderate income; and

WHEREAS, CEO proposed to construct a two (2) family house for a total of two (2) units of housing, pursuant to the Fair Housing Act, N.J.S.A. 52:27D-301, et seq.; and

WHEREAS, by the adoption of Ordinance 03-159 the City of Jersey City authorized the conveyance of 111 Arlington Avenue to CEO and by deed dated November 30, 2005, conveyed title to CEO; and

WHEREAS, CEO did not pay the real estate taxes, thereby causing the property to go into lien and has advised that the project is no longer feasible; and

WHEREAS, CEO now proposes to reconvey title to the City of Jersey City.

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

1. The Mayor or Business Administrator is hereby authorized to accept deliver of a Deed and any other documents appropriate or necessary to effectuate the acquisition of Block 2013, Lot 23B, more commonly known by the street address of 111 Arlington Avenue from the Community Empowerment Organization, Inc.
2. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

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3. 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.
4. This Ordinance shall take effect at the time and in the manner as provided by law.
5. The City Clerk and the Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

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

JM/he
2/20/08

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED: _____

APPROVED: B. O'Reilly
Business Administrator

Certification Required

Not Required

City Clerk File No. Ord. 08-020

Agenda No. 3.D 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 08-020

TITLE: ORDINANCE AUTHORIZING THE ACQUISITION OF BLOCK 1994, LOT 8.99, FORMERLY KNOWN AS BLOCK 1994, LOTS 8 & 9, MORE COMMONLY KNOWN BY THE STREET ADDRESS OF 14 - 16 ORIENT AVENUE FROM MARTIN LUTHER KING DRIVE URBAN RENEWAL JOINT VENTURE PARTNERSHIP

COUNCIL offered and moved adoption of the following Ordinance:

WHEREAS, Martin Luther King Drive Urban Renewal Joint Venture Partnership is the owner of certain land designated as Block 1994, Lot 8.99, formerly known as Block 1994, Lots 8 and 9, on the City of Jersey City's Official Tax Assessment Map and more commonly known by the street address of 14 - 16 Orient Avenue [the Property]; and

WHEREAS, Martin Luther King Drive Urban Renewal Joint Venture Partnership desires to reconvey the property to the City of Jersey City; and

WHEREAS, the City of Jersey City desires to acquire the Property from the Martin Luther King Drive Urban Renewal Joint Venture Partnership; and

WHEREAS, the City of Jersey City is authorized to acquire real property pursuant to N.J.S.A. 40A:12-5(i).

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

1. The acquisition of Block 1994, Lot 8.99, formerly known as Block 1994, Lots 8 & 9 on the City of Jersey City's Official Tax Assessment Map, more commonly known by the street address of 14 - 16 Orient Avenue from the Martin Luther King Drive Urban Renewal Joint Venture Partnership is hereby approved; and
2. The Business Administrator is authorized to execute a contract for sale, accept delivery of a deed and to execute any other documents approved by the Corporation Counsel, and determined to be appropriate or necessary to effectuate the purposes of the within ordinance.
3. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

2008027

2008027

4. 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.
5. This Ordinance shall take effect at the time and in the manner as provided by law but in no event prior to the adoption of the Ordinance approving the Morris Canal Redevelopment Plan.
6. The City Clerk and the Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this Ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

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

JM/he
2/14/08

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED: _____

APPROVED: _____

B. O'Keefe
Business Administrator

Certification Required
Not Required

City Clerk File No. Ord. 08-021

Agenda No. 3.E 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 08-021

TITLE: AN ORDINANCE SUPPLEMENTING CHAPTER 332 (VEHICLES AND TRAFFIC) ARTICLE XI (SCHEDULES) SCHEDULE 25 (PARKING FOR THE DISABLED) OF THE JERSEY CITY CODE DESIGNATING A RESERVED PARKING SPACE AT 411-413 CATOR AVENUE; 103 FERRY STREET; 179 MYRTLE AVENUE; 133 VROOM STREET; 862 WEST SIDE AVENUE AND 56 WOODLAWN AVENUE AND REPEAL THE RESERVED PARKING SPACE AT 203 ACADEMY STREET AND 49 LOGAN AVENUE

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

1. Chapter 332 (Vehicles and Traffic) Article XI (Schedules) of the Jersey City Code is hereby supplemented as follows:
Section 332-77

SCHEDULE 25

PARKING FOR THE DISABLED

Restricted parking spaces, (measuring approximately 22 feet in length) in front of residential building for use by persons who have been issued special vehicle identification cards by the Division of Motor Vehicles and handicapped parking permits issued by the Traffic Division.

<u>Golois Freeman</u>	<u>411-413 Cator Avenue</u>
<u>Selim G. Selim</u>	<u>103 Ferry Street [49 Logan Avenue]</u>
<u>Queenie Williams</u>	<u>179 Myrtle Avenue</u>
<u>Gloria Cotto</u>	<u>133 Vroom Street [203 Academy]</u>
<u>Mariam Ghobrial</u>	<u>862 West Side Avenue</u>
<u>Thomas Jones, Jr.</u>	<u>105 Wilkinson Avenue</u>
<u>Robert Jackson</u>	<u>56 Woodlawn Avenue</u>

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

NOTE: New material to be inserted is underscored, the material to be repealed is in [brackets].

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JDS:pcl
(02/06/08)

APPROVED: _____
Director of Traffic & Transportation

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED: _____
Director, Dept. of Public Works
APPROVED: _____
Business Administrator

Certification Required

Not Required

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

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

An ordinance supplementing Chapter 332(Vehicles and Traffic) Article XI(Schedules)Schedule 25(Parking for the Disabled) of the Jersey City Code designating a reserved parking space at 411-413 Cator Avenue; 103 Ferry Street; 179 Myrtle Avenue; 133 Vroom Street; 862 West Side Avenue; 105 Wilkinson Avenue and 56 Woodlawn Avenue and repeal the reserved parking space at 203 Academy Street and 49 Logan Avenue

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

Director Joao D'Souza, Division of Traffic & Transportation

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

Designate and or delete a reserved parking space at various locations throughout the City

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

To provide a reserved parking space for those individuals who are disabled to the degree his/her mobility is severely limited.

5. Anticipated benefits to the community:

Allow those individuals approved by The Municipal Council Committee for Reserved Parking to have a reserved parking space at or near their residence, therefore, improving the quality of their life.

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

Approximately \$150.00 per sign/post installation.

7. Date proposed program, or project will commence:

Pending adoption by the Jersey City Municipal Council

8. Anticipated completion date:

Twenty days after adoption by the Jersey City Municipal Council

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

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

10. Additional comments:

Ordinance proposed at the request of The Municipal Council Committee for Disabled Parking

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



Signature of Department Director

2/5/08

Date

City Clerk File No. Ord. 08-022

Agenda No. 3.F 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 08-022
STATE FISCAL YEAR 2008

TITLE: **ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS
AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A:4-45.14)**

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

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

WHEREAS, the Municipal Council of the City of Jersey City in the County of Hudson finds it advisable and necessary to increase its SFY 2008 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Municipal Council hereby determines that a 1 % increase in the budget for said year, amounting to \$3,359,393.49 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

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

NOW THEREFORE BE IT ORDAINED, by the Municipal Council of the City of Jersey City, in the County of Hudson, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the SFY 2008 budget year, the final appropriations of the City of Jersey City shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5 %, amounting to \$11,757,877.22 and that the SFY 2008 municipal budget for the City of Jersey City be approved and adopted in accordance with this ordinance; and,

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

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

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

APPROVED AS TO LEGAL FORM

APPROVED: Kathleen D. Deely

Corporation Counsel

APPROVED: _____
Business Administrator

Certification Required

Not Required

City Clerk File No. Ord. 08-023

Agenda No. 3.6 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 08-023

TITLE:

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO ARTICLE III (PROCEDURES) OF THE LAND DEVELOPMENT ORDINANCE

WHEREAS, the Municipal Council, pursuant to NJSA 40:55D-62, may adopt or amend a zoning ordinance relating to the nature and extent of the uses of land and of buildings and structures thereon; and

WHEREAS, there is a need to exempt certain minor work within designated Redevelopment Plan areas from application to the Planning Board, and

WHEREAS, the Municipal Council, pursuant to NJSA 40:55D-64, sought and received the recommendations of the Jersey City Planning Board on April 3, 2007 relative to these issues; and

WHEREAS, the Municipal Council did adopt Ordinance No. 345-16 on April 25, 2007, which ordinance stated that the specific minor work exemptions recommended by the Planning Board were listed in an attached document that was, in fact, not attached; and

WHEREAS, the subject amendments to the Land Development Ordinance are now incorporated herein and made a part hereof, and are available for public inspection at the Office of the City Clerk, City Hall, 280 Grove Street, Jersey City, NJ;

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that the Land Development Ordinance, be and hereby is amended as follows (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):

345-16 WHEN SITE PLAN APPROVAL REQUIRED

A. Threshold for Major Site Plan Review

The following categories of site plans for new construction, rehabilitation and additions, pursuant to N.J.S.A. 40:55D-37a, fall within the major site plan review threshold and must receive Board approval prior to issuance of either a building permit or Certificate of Occupancy:

1. Creation of ten (10) or more dwelling units, regardless of number of structures and/or phases, and whether developed by one entity or several.
2. Projects on parcels of ten thousand (10,000) or more square feet
3. Projects whose total gross floor area is ten thousand (10,000) or more square feet.
4. Additions increasing gross floor area by 2,500 square feet or fifty percent (50%), whichever is less.
5. Additions increasing coverage, by all structures on a project parcel, by 2,500 square feet or fifty percent (50%), whichever is less.
6. Additions increasing gross floor area of all structures on a project parcel by fifty percent (50%) or 2,500 square feet, whichever is less.
7. Off-street parking facilities, except for one or two family structures meeting minimum parking requirements and meeting the minimum stall size requirements.

- 8. Changes in use requiring alteration of existing parking and/or loading facilities.
- 9. Changes in the volume and/or configuration of existing parking and/or loading facilities.
- 10. All new construction, rehabilitation, alteration, or change in use of any property located within a duly adopted redevelopment area, regardless of above *except for the following*:
 - a. *Normal maintenance*
 - b. *Health and safety upgrades*
 - c. *Interior renovations*
 - d. *Deck or balcony construction that otherwise complies with residential bulk standards of the applicable plan*
 - e. *Installation of accessory structures that otherwise complies with requirements of the applicable plan*
- 11. Wireless telecommunication towers.

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, AICP, PP, Director
 Division of City Planning

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED: Carl Zeplich

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 AMENDMENTS TO ARTICLE III (PROCEDURES) OF THE LAND
DEVELOPMENT ORDINANCE**

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

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

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

The Ordinance amends the Threshold for Major Site Plan Review of the Land Development Ordinance with respect to designated Redevelopment Plan areas.

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

Amendments are needed to exempt certain minor work within designated Redevelopment Plan areas from application to the Planning Board and said amendments were thought to have been adopted on April 25, 2007, but the separate document containing the amendments were inadvertently not attached.

5. Anticipated Benefits to the Community:

Corrective action will ensure that the already recommended and thought to be adopted amendments can be lawfully implemented.

6. Cost of Proposed Plan, etc.:

None

7. Date Proposed Plan will commence:

Upon approval

8. Anticipated Completion Date: N/A

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

Carl Czaplicki, Director, Dept of HEDC
Robert D. Cotter, City Planning Director
Anthony J. Lambiase, Director, Division of Zoning

10. Additional Comments: None

I Certify that all the Facts Presented Herein are Accurate.



Division Director

20 FEB 2008
Date



Department Director Signature

2/20/08
Date

SUMMARY STATEMENT

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO ARTICLE III (PROCEDURES) OF THE LAND DEVELOPMENT ORDINANCE

Amends the Threshold for Major Site Plan Review to exempt certain minor work within designated
Redevelopment Plan areas from application to the Planning Board.

City Clerk File No. Ord. 08-024

Agenda No. 3.H 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 08-024

TITLE: ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO ARTICLE I (DEFINITIONS) AND ARTICLE V – NC NEIGHBORHOOD COMMERCIAL DISTRICT OF THE LAND DEVELOPMENT ORDINANCE

WHEREAS, the Municipal Council, pursuant to NJSA 40:55D-62, may adopt or amend a zoning ordinance relating to the nature and extent of the uses of land and of buildings and structures thereon; and

WHEREAS, there is a need to allow new hotels to meet the market demand for efficiency units with kitchenettes and to allow greater flexibility with respect to ground floor use requirements at properties in the Newark Avenue NC zone not fronting on Newark Avenue; and

WHEREAS, greater flexibility within the Land Development Ordinance with respect to the affected uses will facilitate more timely and compatible development; and

WHEREAS, the Municipal Council, pursuant to NJSA 40:55D-64, has sought and received the recommendations of the Jersey City Planning Board relative to these issues; and

WHEREAS, the subject amendments to the Land Development Ordinance are now incorporated herein and made a part hereof, and are available for public inspection at the Office of the City Clerk, City Hall, 280 Grove Street, Jersey City, NJ;

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey city that the Land Development Ordinance, be and hereby is amended as follows (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 I – Section 345-6 Definitions

HOTEL – A building designed for occupancy as the more or less temporary place of abode for individuals who are lodged with or without meals, in which there are ten (10) or more guest rooms or suites and in which there ~~are no~~ *may be* kitchens in any individual room or suite.

Article V - Section 45-45. NC- Neighborhood Commercial District

A. Purpose.

The purpose of this district is to recognize the existence and importance of neighborhood business districts and promote continued efforts to strengthen and revitalize them through public-private partnerships.

These areas are located along: Central Avenue, Newark Avenue, McGinley Square, West Side Avenue, Communipaw Avenue, and Lower John F. Kennedy Boulevard.

B. Permitted principal uses are as follows:

1. Retail sales of goods and services.
2. Offices.
3. Financial institutions without drive- thru facilities.

- 4. Restaurants, category one and two.
- 5. Theaters and museums.
- 6. Governmental uses.
- 7. Parking garages, provided that the ground floor parking level shall be located behind a ground floor commercial façade not less than twenty (20) feet deep to the extent feasible after allowing for required vehicular access drive(s) and building entrances, *provided, however, that ground floor commercial use shall not be required on lots in the NC zone with no frontage on Newark Avenue and with frontage along Sixth Street between Brunswick and Division Streets, or Seventh Street between Brunswick Street and Newark Avenue, or Division Street between Sixth and Eighth Streets.*
- 8. Parks and playgrounds.
- 9. Residential apartments above ground floor, *provided, however, that ground floor residential use shall be permitted on lots in the NC zone having no frontage on Newark Avenue and fronting on Sixth Street between Brunswick and Division Streets, or Seventh Street between Brunswick Street and Newark Avenue, or Division Street between Sixth and Eighth Streets.*
- 10. Educational facilities, public and private, above ground floor.
- 11. Bars.
- 12. Child Day Care Centers
- 13. Any combination of the above.

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, AICP, PP, 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 AMENDMENTS TO ARTICLE I (DEFINITIONS) AND ARTICLE V – NC
NEIGHBORHOOD COMMERCIAL DISTRICT OF THE LAND DEVELOPMENT
ORDINANCE**

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

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

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

Amends the definition of Hotel and also amends use standards in the NC zoning district applicable to a limited area of the district around Division St off Newark Avenue that would make ground floor commercial use optional and ground floor residential use permissible.

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

Amendments are needed to allow the provision of efficiency units with kitchenettes in new hotels and to allow greater flexibility with respect to ground floor use requirements at properties in the Newark Avenue NC zone not fronting on Newark Avenue.

5. Anticipated Benefits to the Community:

Greater flexibility within the Land Development Ordinance with respect to the affected uses will facilitate more timely and compatible development.

6. Cost of Proposed Plan, etc.:

None

7. Date Proposed Plan will commence:

Upon approval

8. Anticipated Completion Date: N/A

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

Carl Czaplicki, Director, Dept of HEDC
Robert D. Cotter, City Planning Director
Anthony J. Lambiase, Director, Division of Zoning

10. Additional Comments: None

I Certify that all the Facts Presented Herein are Accurate.

Robert D. Cotter
Division Director

20 FEB 2008
Date

Carl Czaplicki
Department Director Signature

2/20/08
Date

SUMMARY STATEMENT

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO ARTICLE I (DEFINITIONS) AND ARTICLE V – NC NEIGHBORHOOD COMMERCIAL DISTRICT OF THE LAND DEVELOPMENT ORDINANCE

Amends the definition of Hotel and also amends use standards in the NC zoning district applicable to a limited area of the district around Division St off Newark Avenue that would make ground floor commercial use optional and ground floor residential use permissible.

City Clerk File No. Ord. 08-025

Agenda No. 3.1 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 08-025

TITLE: ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING THE BAYFRONT I REDEVELOPMENT PLAN

WHEREAS, the Municipal Council of the City of Jersey City, authorized the Jersey City Planning Board to conduct a preliminary investigation and hold a public hearing to determine if the area known as the Bayfront I Study Area meets the statutory criteria necessary to be declared an area in need of redevelopment, pursuant to NJSA 40A:12A-1 et seq.; and

WHEREAS, the Planning Board, at its meeting of February 20, 2008 recommended that the Municipal Council designate the Bayfront I Study Area as "an area in need of redevelopment"; and

WHEREAS, the Municipal Council, upon the recommendation of the Jersey City Planning Board has determined that the Bayfront I Study Area is "an area in need of redevelopment"; and

WHEREAS, the Planning Board, at its meeting of February 20, 2008 recommended to the Municipal Council the Bayfront I Study Area Redevelopment Plan, as the guide to future redevelopment of the Study Area; and

WHEREAS, the Bayfront I Study Area Redevelopment Plan provides for redevelopment that maximizes the health, safety, and welfare of the community; and

WHEREAS, a copy of the Bayfront I 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, Jersey City, NJ, and the Division of City Planning, 30 Montgomery Street, Suite 1400, Street, Jersey City, NJ;

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that the Bayfront I 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
Planning Director

APPROVED AS TO LEGAL FORM

APPROVED: _____

APPROVED: _____

Corporation Counsel

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 THE BAYFRONT 1 REDEVELOPMENT PLAN

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

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

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

This ordinance adopts a redevelopment plan for the Bayfront 1 Study Area that permits the development of a mixed use neighborhood with a specific street grid pattern. The redevelopment plan implements key principals of New Urbanism and result in the development of traditional city building and neighborhood blocks.

4. Reasons for the Proposed Zoning.:

To establish a blue-print for future development buy maintaining a traditional "city Block" form. This plan achieves this by implementing the goals and principals of new urbanism and setting a model for future developments along the western border of Jersey City.

5. Anticipated Benefits to the Community:

The standards and requirement set forth in this plan promote the growth of a vibrant, mixed-use transit oriented neighborhood. The plan provides for many public amenities, a street network and open spaces that will benefit the new plan area and the established community surrounding the area.

This comprehensive approach to the redevelopment of the Hackensack Waterfront will benefit the City and the region as a whole, encourage environmental clean-up and provide for new affordable housing options for the City..

6. Cost of Proposed Plan, etc.:

\$0.00.

7. Date Proposed Plan will commence:

Upon adoption.

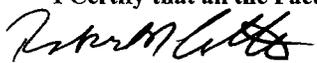
8. Anticipated Completion Date: N/A

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

Robert D. Cotter, Director, City Planning 547-5050
Maryann Bucci-Carter

10. Additional Comments:

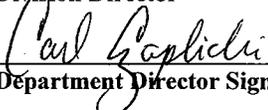
I Certify that all the Facts Presented Herein are Accurate.



Division Director

21 FEB 2008

Date



Department Director Signature

2/21/08

Date

Summary

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING THE BAYFRONT 1 REDEVELOPMENT PLAN

This ordinance adopts a redevelopment plan for the Bayfront 1 Study Area that permits the development of a mixed use neighborhood with a specific street grid pattern.

The Bayfront 1 Study Area is located on the western side of Route 440. It is within a boundary line formed by the centerline of Kellogg Street on the south, the bulkhead line of the Hackensack River on the west, the northern property line of Block 1290.1, Lots 2D, 2E and 1E on the north, and on the east by the centerline of Route 440, excluding the block and lot containing the diner.

The specific Blocks and Lots involved area as follows:

Block	Lot
1290.1	20
1290.A	1.E
1290.A	2.A
1290.A	2.D
1290.A	9.H9.L
1290.A	A.1
1290.A	A.2
1290.A	10.E
1290.A	10.H
1290.A	11.H
1290.A	11.W

Block	Lot
1290.A	11.Y
1290.A	14.D
1290.A	14.H
1290.A	14.J
1290.A	17
1290.A	18
1290.A	19
1290.A	19, T01
1290.A	16A.99

City Clerk File No. Ord. 08-026

Agenda No. 3.J 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 08-026

TITLE: ORDINANCE TERMINATING THE FINANCIAL AGREEMENT AND PREPAYMENT AGREEMENT BETWEEN THE CITY OF JERSEY CITY AND BRASS WORKS URBAN RENEWAL COMPANY, LLC

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

WHEREAS, on or about March 17, 2006, Brass Works Urban Renewal Company, LLC [Brass Works UR] applied for a Long Term Tax Exemption under N.J.S.A. 40A:20-1 et seq., for land and improvements located within an urban enterprise zone, known as Block 751, Lot G, and more commonly known by the street address of 100 Paterson Plank Road [Property]; and

WHEREAS, Brass Works UR was to have rehabilitated an existing dilapidated warehouse by adding two (2) floors and constructing approximately 124 market rate residential condominium units with approximately 88 on site parking spaces [Project]; and

WHEREAS, by adoption of Ordinance 06-068 on May 24, 2006, the City of Jersey City [City] approved a 20 year long term tax exemption with a service charge equal to sixteen percent (16%) of the Annual Gross Revenue with a term of the earlier of twenty-three (23) years from adoption of the ordinance or twenty (20) years from substantial completion of the Project; and

WHEREAS, as contemplated by the tax exemption application and Ordinance 06-068, Brass Works UR is the owner of the Property; and

WHEREAS, on June 16, 2006, the City executed a financial agreement with Brass Works UR for the Project [Financial Agreement]; and

WHEREAS, on June 16, 2006, the City executed a prepayment agreement with Brass Works UR for the Project [Prepayment Agreement]; and

WHEREAS, pursuant to Section 4.3 and 4.4 of the Financial Agreement, Brass Works UR was required to make an advance payment equal to the Annual Service Charge of \$441,127 on or before June 1, 2006, which sum, as amended to \$341,127, was to have been credited over the ensuing four (4) years [Advance Payment]; and

WHEREAS, Brass Works UR advises that despite making good faith efforts, due to the continued downturn in the current market conditions, it has decided not to pursue the condominium model for the Project and has opted instead to develop a rental project; and

WHEREAS, on December 20, 2007, Brass Works UR gave the City formal written notice under Section 16.3 of the Financial Agreement, that the Entity was not able to substantially complete the Project and due to the continued downturn in the current market conditions and further, that Brass Works UR is abandoning the Project; and

WHEREAS, Brass Works UR seeks to terminate the tax exemption approved by Ordinance 06-068 and be released from any liability thereunder; and

WHEREAS, Brass Works UR has also agreed in writing to waive any entitlement it may have had to a reimbursement of the \$441,127 prepayment.

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

1. The tax exemption is hereby rescinded and the Financial Agreement and Prepayment Agreement with Brass Works UR for the Property and the Project are hereby terminated.
2. The Mayor or Business Administrator or Corporation Counsel are authorized to execute a Termination Agreement substantially in the form attached hereto or any documents appropriate or necessary to effectuate the purposes of the within Ordinance upon receipt of a waiver from Brass Works UR of any right to reimbursement of the \$441,127 prepayment.
3. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.
4. This Ordinance shall be part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this Ordinance codified and incorporated in the official copies of the Jersey City Code.
5. This Ordinance shall take effect at the time and in the manner provided by the law.

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

JM/he
2/21/08

APPROVED AS TO LEGAL FORM

APPROVED: _____

Corporation Counsel

APPROVED: _____
Business Administrator

Certification Required
Not Required

AGREEMENT TO TERMINATE FINANCIAL AGREEMENT

This Agreement is made as of the ____ day of _____ 2008 by and between **BRASS WORKS URBAN RENEWAL COMPANY, LLC**, having its principal office at 700 First Street, Hoboken, New Jersey, [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].

WHEREAS, by adoption of Ordinance 06-068 on May 24, 2006, the City of Jersey City [City] approved a 20 year Long Term Tax Exemption with a service charge equal to sixteen percent (16%) of the Annual Gross Revenue with a term of the earlier of twenty-three (23) years from adoption of the ordinance or twenty (20) years from substantial completion of the Project; and

WHEREAS, as contemplated by the tax exemption application and Ordinance 06-068, Brass Works UR is the owner of the Property; and

WHEREAS, on June 16, 2006, the City executed a financial agreement with Brass Works UR for the Project [Financial Agreement]; and

WHEREAS, on June 16, 2006, the City executed a prepayment agreement with Brass Works UR for the Project [Prepayment Agreement]; and

WHEREAS, pursuant to Section 4.3 and 4.4 of the Financial Agreement, Brass Works UR was required to make an advance payment equal to the Annual Service Charge of \$441,127 on or before June 1, 2006, which sum, as amended to \$341,127, was to have been credited over the ensuing four (4) years [Advance Payment]; and

WHEREAS, Brass Works UR advises that despite making good faith efforts, due to the continued downturn in the current market conditions, it has decided not to pursue the condominium model for the Project and has opted instead to develop a rental project; and

WHEREAS, on December 20, 2007, Brass Works UR gave the City formal written notice under Section 16.3 of the Financial Agreement, that the Entity was not able to substantially complete the Project and due to the continued downturn in the current market conditions and further, that Brass Works UR is abandoning the Project; and

WHEREAS, Brass Works UR seeks to terminate the tax exemption approved by Ordinance 06-068 and be released from any liability thereunder; and

WHEREAS, Brass Works UR has also agreed in writing to waive any entitlement it may have had to a reimbursement of the \$441,127 prepayment.

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

1. The Tax Exemption, Financial Agreement and Prepayment Agreement for the Project and Property are hereby terminated.

2. The City releases Brass Works UR and any successors in interest and in title to the Property from any and all claims, rights, charges, debts, and obligations under the Financial Agreement and Prepayment Agreement.

3. This termination and release shall be binding upon the City and in order to the benefit of Brass Works UR and anyone who succeeds to their rights in connection with the Property.

4. This termination and release applies to all claims which the City may have against Brass Works UR and any of its successor in interest and in title of any kind whatsoever whether arising directly or indirectly out of the Financial Agreement or Prepayment Agreement.

5. Brass Works UR agrees that it will not seek any reimbursement or credit of any kind of its \$341,127 payment to the City of Jersey City to extend the advance payment date.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed the day and year first above written.

ATTEST:

BRASS WORKS URBAN RENEWAL,
LLC

ATTEST:

CITY OF JERSEY CITY

ROBERTY BYRNE,
CITY CLERK

BRIAN O'REILLY
BUSINESS ADMINISTRATOR

City Clerk File No. Ord. 08-027

Agenda No. 3.K 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 08-027

TITLE: AN ORDINANCE APPROVING A FIVE (5) YEAR TAX EXEMPTION PURSUANT TO THE PROVISIONS OF N.J.S.A. 40A:21-1, ET SEQ., AND SECTION 304-9 OF THE MUNICIPAL CODE FOR PROPERTY DESIGNATED AS BLOCK 751, LOT G, ON THE CITY'S TAX MAP AND MORE COMMONLY KNOWN BY THE STREET ADDRESS OF 100 PATERSON PLANK ROAD AND TO BE KNOWN AS BRASS WORKS URBAN RENEWAL COMPANY, LLC.

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

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

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

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

WHEREAS, Brass Works Urban Renewal Company, LLC, is the owner of the site which is currently occupied by a dilapidated and obsolete warehouse and proposes to rehabilitate the building by adding two (2) additional floors in order to newly construct a total of approximately one hundred and twenty (120) market rate residential rental units, located in Block 751, Lot G, on the City's Tax Map and more commonly known by the street address of 100 Paterson Plank Road, Jersey City, N.J.; and

WHEREAS, on Brass Works Urban Renewal Company, LLC, the owner filed an application to tax exempt the newly constructed multiple dwelling building, a copy of which application is attached hereto; and

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

- (a) 2008: the tax year in which the structure will be completed. \$0 taxes;
- (b) 2009: the second tax year, 20% of actual full taxes, estimated to be \$171,659;
- (c) 2010: the third tax year, 40% of actual full taxes, estimated to be \$259,689;

- (c) 2010: the third tax year, 40% of actual full taxes, estimated to be \$259,689;
- (d) 2011: the fourth tax year, 60% of actual full taxes, estimated to be \$347,719; and
- (e) 2012: the fifth tax year, 80% of actual full taxes, estimated to be \$352,120;

WHEREAS, the Tax Assessor has determined that the full and true value of the new improvements will generate an additional tax payment of \$441,127 a year upon completion; and

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

WHEREAS, upon the expiration of the tax exemption, the total assessment will be \$29,495,000 Dollars, that will generate a total tax payment of \$725,000.

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

1. The application, attached hereto, for a five (5) year tax exemption for the full and true value of the newly constructed 5 story building with multiple dwelling, located in Block 751, Lot G, and more commonly known by the street address of 100 Paterson Plank Road, Jersey City, N.J., is hereby approved, provided that Brass Works UR waives in writing any entitlement to reimbursement of the prepayment agreement paid pursuant to Ordinance 06-068 and any related resolutions.

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

(a) tax payment on the new improvements shall be:

- (i) Year 1: the tax year in which the structure will be completed. \$0 taxes;
- (ii) Year 2: the second tax year, 20% of actual full taxes, estimated to be \$171,659;
- (iii) Year 3: the third tax year, 40% of actual full taxes, estimated to be \$259,689;
- (iv) Year 4: the fourth tax year, 60% of actual full taxes, estimated to be \$347,719; and
- (v) Year 5: the fifth tax year, 80% of actual full taxes, estimated to be \$352,120.

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

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

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

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

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

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

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

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

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

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

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

JM/he
2/21/08

APPROVED AS TO LEGAL FORM

APPROVED: _____

Corporation Counsel

APPROVED: _____
Business Administrator

Certification Required
Not Required

9-15-03

TAX AGREEMENT
FIVE YEAR/NEW CONSTRUCTION

THIS AGREEMENT made on this _____ day of _____, 2008, by and between the **CITY OF JERSEY CITY** [City], a municipal corporation organized under the Laws of the State of New Jersey and having its principal place of business at 280 Grove Street, Jersey City, New Jersey, and, **BRASS WORKS URBAN RENEWAL COMPANY, LLC**, [Applicant], whose principal place of business is 101 Marshall Street, Suite 1, Hoboken, New Jersey 07030.

WITNESSETH:

WHEREAS, the Municipal Council has indicated by its intention to utilize the five year tax exemption provisions authorized by Article VIII, Section I, paragraph VI of the NJ State Constitution and the Five Year Exemption Law, N.J.S.A. 40A:21-1 et seq. for improvements and projects by the adoption of Ordinance _____ on _____; and

WHEREAS, the Applicant is owner of certain property located at 100 Paterson Plank Road, in the City of Jersey City, County of Hudson and State of New Jersey, designated as Block 751, Lot G, on the Tax Assessor's Map, more commonly known by the street address of 100 Paterson Plank Road, Jersey City, and more particularly described in the metes and bounds description attached hereto as Exhibit A [Property];

WHEREAS, on or about December 17, 2007, the Applicant applied for a five year tax exemption to construct a new Multiple Dwelling on the Property [Improvements] pursuant to N.J.S.A. 40A:21-1 et seq and Ordinance _____; and

WHEREAS, the City has reviewed the application, approved the construction of the Improvements and authorized the execution of a Tax Exemption Agreement by the adoption of Ordinance _____ on _____.

NOW, THEREFORE, IN CONSIDERATION of the mutual promises and covenants hereinafter contained, the parties hereto agree as follows:

ARTICLE I: APPROVAL OF TAX EXEMPTION

The City hereby agrees to a tax exemption for the construction of a new Multiple Dwelling [Improvements] on the Property, as further described in the Application, attached hereto as Exhibit B, pursuant to the provisions of N.J.S.A. 40A:21-1 et seq. and Ordinance _____ which authorized the execution of this Tax Agreement [Law], subject to the terms and conditions hereof.

ARTICLE II: IN LIEU OF TAX PAYMENTS

The Applicant agrees to make payments on the new Improvements, (separate and apart from taxes on the land and existing improvements which shall continue to be subject to conventional assessment and taxation and for which the Applicant shall receive no credit against the in lieu of tax payment) in lieu of full property tax payments according to the following schedule:

1. For the full calendar year of 2008, no payment in lieu of taxes;
2. For the full calendar year of 2009, twenty (20%) percent of the actual taxes otherwise due, currently estimated to be the sum of \$171,659;
3. For the full calendar year of 2010, forty (40%) percent of the actual taxes otherwise due, currently estimated to be the sum of \$259,689;
4. For the full calendar year of 2011, sixty (60%) percent of the actual taxes otherwise due, currently estimated to be the sum of \$347,719; and
5. For the full calendar year of 2012 eighty (80%) percent of the actual taxes otherwise due, currently estimated to be the sum of \$352,120.

ARTICLE III: APPLICATION FEE

The Applicant has paid the sum of **\$10,000** to the City before the execution of this Agreement. Failure to make such payment shall cause the tax exemption to terminate.

ARTICLES IV: FEDERAL, STATE AND LOCAL LAW

The construction of the Improvements is subject to all applicable federal, State and local laws and regulations on pollution control, worker safety, discrimination in employment, housing provision, zoning, planning and building code requirements.

ARTICLE V: TERM OF EXEMPTION

The Tax Exemption granted shall be valid and effective for a period of five (5) full calendar years from the date of Substantial Completion of the Project, which shall ordinarily mean the date on which the City issues, or the Project is eligible to receive, a Certificate of Occupancy, whether temporary or final, for part or the whole of the Project. During the term of the tax exemption, the Applicant shall make an in lieu of tax payment to the City in accordance with the schedule set forth above. Prior to the commencement of the tax exemption, and upon expiration thereof, the Applicant shall pay full conventional taxes on the Improvements.

ARTICLE VI: COUNTY EQUALIZATION AND SCHOOL AID

Pursuant to N.J.S.A. 40A:21-11(c), the percentage, which the payment in lieu of taxes for the tax exempt property bears to the property tax which would have been paid had an exemption not been granted for the property under this Agreement, shall be applied to the valuation of the property to determine the reduced valuation of the property to be included in the valuation of the City for determining equalization for county tax apportionment and school aid, during the term of the tax exemption agreement covering this property. At the expiration or termination of this Agreement, the reduced valuation procedure required under the Law shall no longer apply.

ARTICLE VII: OPERATION OR DISPOSITION OF PROPERTY

In the event that during any year prior to the termination of this Agreement, the Applicant ceases to operate or disposes of the Property, or fails to meet the conditions for qualifying for tax exemption under this Agreement or pursuant to Law, then the tax which would have otherwise been payable for that year, but not previous years, shall become due and payable from the Applicant as if no exemption had been granted. However, with respect to the disposal of the property, in the event it is determined that the new owner will continue to use the property pursuant to the conditions which qualify the property for exemption, the tax exemption shall continue and this Agreement shall remain in full force and effect.

ARTICLE VIII: TERMINATION/ELIGIBILITY FOR ADDITIONAL TAX EXEMPTION

Upon the termination of this Agreement for tax exemption, the Project shall be subject to all applicable real property taxes as provided by State Laws and Regulations and City Ordinances. However, nothing herein shall be deemed to prohibit the Project, at the termination of this Agreement, from qualifying for and receiving the full benefits of any other tax preferences allowed by law. Furthermore, nothing herein shall prohibit the Applicant from exercising any rights under any other tax provisions of State law or City Ordinances.

ARTICLE IX: PROJECT EMPLOYMENT AGREEMENT

In order to provide City residents and businesses with employment and other economic opportunities, the Applicant agrees to comply with the terms and conditions of the Project Employment Agreement which is attached hereto as Exhibit C.

ARTICLE X: NOTICES

All notices to be given with respect to this Agreement shall be in writing. Each notice shall be sent by registered or certified mail, postage prepaid, return receipt requested, to the party to be notified at the addresses set forth below or at such other address as either party may from time to time designate in writing:

Notice to City:

Business Administrator
City Hall, 280 Grove Street
Jersey City, New Jersey 07302

Notice to Applicant:

Brass Works Urban Renewal Co., LLC
101 Marshall Street -- Suite 1
Hoboken, New Jersey 07030

ARTICLE XI: GENERAL PROVISIONS

This Agreement contains the entire Agreement between the parties and cannot be amended, changed or modified except by written instrument executed by the parties hereto.

In the event that any provisions or term of this Agreement shall be held invalid or unenforceable by an Court of competent jurisdiction, such holding shall not invalidate or render unenforceable any other provision hereof; provided, however, that the City continues to receive the full benefit of any economic term hereunder.

This Agreement shall be governed by and construed in accordance with the Laws of the State of New Jersey.

This agreement may be executed in several counterparts, each of which shall constitute but one and the same instrument.

IN WITNESS WHEREOF, the City and the Applicant have caused this Agreement to be executed on the date and year first above written.

WITNESS:

**BRASS WORKS URBAN RENEWAL
COMPANY, LLC**

BY: _____

ATTEST:

CITY OF JERSEY CITY

Robert Byrne
City Clerk

BY: _____
Brian O'Reilly
Business Administrator

City Clerk File No. Ord. 08-028

Agenda No. 3.1 1st Reading

Agenda No. _____ 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 08-028

TITLE: ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN UNIMPROVED CITY OWNED PROPERTY TO ENABLE THE STATE OF NEW JERSEY TO CONSTRUCT IMPROVEMENTS TO ROUTE 1 & 9--ST. PAUL'S AVENUE BRIDGE

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

WHEREAS, the City of Jersey City is the owner of certain unimproved property to the east and west of Route 1&9 known as Block 601, Lots A & B, Duffield Avenue; Block 642.B, Lot A, Dey Street; Block 640, Lot A, Covert Street; Block 690, Lot 6R, Larch Avenue; a portion of Lafayette Place; Block 603, Lot 1C, Howell Street; Block 961.1, Lot 1, Utica Street; Block 640, Lot 108, 10 Couvert Street, all of which is depicted on the map attached hereto as Exhibit A; and

WHEREAS, the City of Jersey City has no municipal public need for the property; and

WHEREAS, the State of New Jersey desires to acquire all of the property in fee title, except a portion of Fayette Place; Block 603, Lot 1C, Howell Street; and Block 961.1, Lot 1, Utica Street over which properties the State of New Jersey desires to acquire easements; and

WHEREAS, the State of New Jersey desires to acquire the property in order to remediate the property and construct certain improvements to Route 1&9, the St Paul's Avenue Bridge; and

WHEREAS, NJSA 40A:12-13(b)(1) of the Local Lands and Buildings Law authorizes the transfer of property to another public body, namely the State of New Jersey, at a private sale, with or without consideration; and

WHEREAS, the State of New Jersey had the property appraised by Stanlet Jay Real Estate Appraisers as of October 1, 2007, a copy of the appraisal report is on file in the Office of the City Clerk; and

WHEREAS, the State of New Jersey has agreed to undertake the remediation of the property at a cost to it of \$279,684 and to pay the City of Jersey City the net sum of \$552,716 but no less than \$250,000, as consideration; and

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

1. The Mayor, Business Administrator are hereby authorized to execute an agreement, deed and any other documents necessary or appropriate to effectuate the conveyance of (A) Block 601, Lots A & B, Duffield Avenue; Block 642.B, Lot A, Dey Street; Block 640, Lot A, Covert Street; Block 690, Lot 6R, Larch Avenue; in fee simple and (B) easements across a portion of Lafayette Place; Block 603, Lot 1C, Howell Street; Block 961.1, Lot 1, Utica Street; and © Block 640, Lot 108, 10 Couvert Street, in fee simple; all of which property is depicted on the map attached hereto as Exhibit A to the State of New Jersey; and

2. The State of New Jersey has agreed to undertake the remediation of the property at an estimated cost to it of \$279,684 and to pay the City of Jersey City the net sum of \$552,716 but in no event less than \$250,000, as consideration for the takings; and

3. The Agreement of Sale shall be in substantially the form attached, subject to such modifications as the Business Administrator or Corporation Counsel deem appropriate or necessary.

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

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

C. This ordinance shall take effect at the time and in the manner provided by law, but not before the Corporation Counsel certifies that the agreement authorized by separate Resolution has been fully executed.

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

NOTE: All new material is underlined. Words in [brackets] are omitted.
For purposes of advertising only, new matter is indicated by **bold face** and repealed matter by *italic*.

JM
1/21/08

APPROVED AS TO LEGAL FORM

APPROVED: _____

Corporation Counsel

APPROVED: _____
Business Administrator

Certification Required
Not Required