

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

File No. Ord. 20-042  
Agenda No. 3.3 (1st Reading)  
Agenda No. 4.2 (2nd Reading and Final Passage)



**AN ORDINANCE CONSENTING TO THE TRANSFER AND ASSIGNMENT OF THE PROPERTY AND TAX EXEMPTION HELD BY 720-726 BERGEN AVENUE URBAN RENEWAL, LLC TO 280 FAIRMOUNT URBAN RENEWAL, LLC PURSUANT TO SECTION 9.1 OF THE FINANCIAL AGREEMENT AND N.J.S.A. 40A:20-22 OF THE LONG TERM TAX EXEMPTION LAW.**

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

**WHEREAS**, 720-726 Bergen Avenue 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. [Original Entity]; and

**WHEREAS**, the Original Entity owns certain property known as Block 15003, Lot 2.01 on the City of Jersey City's Official Tax map, more commonly known as 720-726 Bergen Avenue, Jersey City and 280 Fairmount Avenue, Jersey City (the "Property"); and

**WHEREAS**, by adoption of Ordinance 16-033, on February 24, 2016, the Municipal Council of the City of Jersey City (the "City") approved the tax exemption and authorized the execution of a Financial Agreement for a five story mixed-use residential/commercial rental building, consisting of 58 market-rate residential units and 3,219 square feet of commercial/retail place, with a service charge equal to 11% of the annual gross revenue; and

**WHEREAS**, the City and the Original Entity entered into a Financial Agreement dated February 24, 2016 [Financial Agreement]; and

**WHEREAS**, on or around May 5, 2020, the Original Entity applied to the City for its consent to transfer the Property and assign the Financial Agreement from the Original Entity to 280 Fairmount Urban Renewal, LLC (the "New 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.; and

**WHEREAS**, pursuant to Section 9.1 of the Financial Agreement, upon written application by the Original Entity, the City is required to consent to the sale and transfer of a tax exemption if: 1) the New Entity does not own any other tax exempt project; 2) the New Entity is formed and eligible to operate under the Law; 3) the Original Entity is not in default of its financial agreement or the Law; and 4) the New Entity agrees to assume all obligations of the Original Entity; and

**WHEREAS**, the New Entity does not own any other tax exempt project in the City of Jersey City; and

**WHEREAS**, the New Entity is formed and qualified to do business under the provisions of the Long Term Tax Exemption Law of 1992, as amended and supplemented, and is therefore eligible to receive the transfer of the aforementioned tax exemption under the Law; and

**WHEREAS**, the Original Entity is not in default of its financial agreement or the Law, and has agreed to pay the City the necessary transfer fee; and

**WHEREAS**, the New Entity agrees to assume all obligations of the Original Entity set forth in the existing Financial Agreement.

APPROVED AS TO LEGAL FORM

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

Business Administrator

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

Corporation Counsel

**An Ordinance consenting to the transfer and assignment of the property and tax exemption held by 720-726 Bergen Avenue Urban Renewal, LLC to 280 Fairmount Urban Renewal, LLC pursuant to Section 9.1 of the financial agreement and N.J.S.A. 40A:20-22 of the Long Term Tax Exemption Law.**

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

A. The Application of 720-726 Bergen Avenue 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, attached hereto, for Block 15003, Lot 2.01 more commonly known as 720-726 Bergen Avenue, Jersey City and 280 Fairmount Avenue, Jersey City, to sell the Property and transfer the tax exemption to 280 Fairmount Urban Renewal, LLC, is hereby approved.

B. The Mayor or Business Administrator is hereby authorized to execute a Consent Assignment and Assumption Agreement between the City, 720-726 Bergen Avenue Urban Renewal, LLC, and 280 Fairmount Urban Renewal, LLC, as well as any other documents appropriate or necessary to effectuate the sale and transfer of the Property and the tax exemption Financial Agreement, and the purposes of this Ordinance, subject to the payment of a transfer fee, as outlined in the Financial Agreement, based upon the 2% of the Annual Service Charge consisted with N.J.S.A. 40A:20-10(d).

C. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

D. 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.

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

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

G. The Business Administrator is empowered to request periodic audits of the Project in order to ensure that the New Entity is fulfilling its obligations under the amended Financial Agreement.

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

**An Ordinance consenting to the transfer and assignment of the property and tax exemption held by 720-726 Bergen Avenue Urban Renewal, LLC to 280 Fairmount Urban Renewal, LLC pursuant to Section 9.1 of the financial agreement and N.J.S.A. 40a:20-22 of the Long Term Tax Exemption Law.**

RECORD OF COUNCIL VOTE ON INTRODUCTION -- Jun 10 2020					
RIDLEY	AYE	SALEH	AYE	LAVARRO	NAY
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	AYE
BOGGIANO	AYE	ROBINSON	AYE	WATTERMAN, PRES	AYE
					8-1

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING -- Jun 24 2020					
RIDLEY	AYE	SALEH	AYE	LAVARRO	AYE
PRINZ-AREY	AYE	SOLOMON	AYE	RIVERA	AYE
BOGGIANO	AYE	ROBINSON	AYE	WATTERMAN, PRES.	AYE
					9-0

**SPEAKERS:**

Yvonne Balcer

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY --					
RIDLEY		SALEH		LAVARRO	
PRINZ-AREY		SOLOMON		RIVERA	
BOGGIANO		ROBINSON		WATTERMAN, PRES.	

RECORD OF FINAL COUNCIL VOTE -- Jun 24 2020					
RIDLEY	AYE	SALEH	AYE	LAVARRO	NAY
PRINZ-AREY	AYE	SOLOMON	NAY	RIVERA	AYE
BOGGIANO	AYE	ROBINSON	AYE	WATTERMAN, PRES.	AYE
					7-2

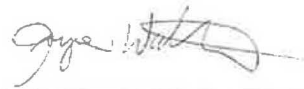
Adopted on first reading of the Council of Jersey City, N.J. on **Jun 10 2020**

Adopted on second and final reading after hearing on **Jun 24 2020**

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on Jun 24 2020



City Clerk



Joyce E. Watterman, President of Council  
Approved: Jun 24 2020



Steven M. Fulop, Mayor  
Date to Mayor: Jun 25 2020  
Approved: Jun 25 2020