

City Clerk File No. _____ Ord. 09-068

Agenda No. _____ 3.E _____ 1st Reading

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

4.R. JUN 17 2009



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 09-068

TITLE: BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF PROPERTY LOCATED AT 15 LINDEN AVENUE EAST IN AND BY THE CITY OF JERSEY CITY, IN THE COUNTY OF HUDSON, NEW JERSEY, APPROPRIATING \$24,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$24,000,000 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF JERSEY CITY, IN THE COUNTY OF HUDSON, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvement described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the City of Jersey City, New Jersey as a general improvement. For the improvement or purpose described in Section 3, there is hereby appropriated the sum of \$24,000,000. Pursuant to N.J.S.A. 40A:12A-37, no down payment is required, as the improvement described in Section 3 is a redevelopment project under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment, negotiable bonds are hereby authorized to be issued in the principal amount of \$24,000,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for the financing of which the bonds are to be issued is the acquisition of real property commonly known as 15 Linden Avenue East and described on the Official Tax Map of the City as Block 1510, Lots X.1, 29 and Y and Block 1505, Lot D (collectively the "Property"), and all rights therein, and including related soil, environmental and geotechnical testing, grading and related site work, and all other costs necessary therefor or incidental thereto, to allow for the relocation of one or more City agencies, instrumentalities and/or departments from the Bayfront Redevelopment Area so that the property within the Bayfront Redevelopment Area may be environmentally remediated and made available for development.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose is equal to the amount of the appropriation herein made therefor.

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF PROPERTY LOCATED AT 15 LINDEN AVENUE EAST IN AND BY THE CITY OF JERSEY CITY, IN THE COUNTY OF HUDSON, NEW JERSEY, APPROPRIATING \$24,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$24,000,000 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The chief financial officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget of the City of Jersey City is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose that the City may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of the improvement or purpose within the limitations of the Local Bond Law, according to the reasonable life thereof computed from the date of the bonds authorized by this ordinance, is 40 years.

(c) The maximum interest rate of interest that the obligations shall bear shall not exceed seven per centum per annum (7.0%).

(d) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the City Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the City as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$24,000,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF PROPERTY LOCATED AT 15 LINDEN AVENUE EAST IN AND BY THE CITY OF JERSEY CITY, IN THE COUNTY OF HUDSON, NEW JERSEY, APPROPRIATING \$24,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$24,000,000 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF

(e) An aggregate amount not exceeding \$20,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the purpose or improvement.

(f) This bond ordinance authorizes obligations of the City solely for a purpose described in N.J.S.A. 40A:2-7(d). This purpose is in the public interest and is for the health, welfare, convenience or betterment of the inhabitants of the City. The amounts to be expended for this purpose pursuant to this bond ordinance are not unreasonable or exorbitant, and the issuance of the obligations authorized by this bond ordinance will not materially impair the credit of the City or substantially reduce its ability to pay punctually the principal of and the interest on its debts and to supply other essential public improvements and services. The Local Finance Board in the Division of Local Government Services of the Department of Community Affairs of the State of New Jersey has heretofore made a determination to this effect and has caused its consent to be endorsed upon a certified copy of this bond ordinance as passed upon first reading.

(g) Pursuant to the Local Lands and Buildings Law, N.J.S.A. 40A:12-3 *et seq.*, the Mayor, the Business Administrator, the Chief Financial Officer, the Corporation Counsel and other appropriate representatives of the City (the "City Representatives") are hereby authorized to acquire the real property described in Section 3 hereof on behalf of the City, by purchase, gift, condemnation or otherwise. The City Council hereby determines that it is necessary to acquire all interests in the property described in Section 3 in order to make the property available for the construction of a municipal facility to house the operations of one or more City agencies and/or departments. The City Representatives are hereby authorized to proceed with the acquisition of such real property through negotiations with the property owner or owners or other organizations or entities that may be involved. The Mayor of the City is further authorized to execute the contract or contracts necessary therefor, and the City Clerk is authorized to attest such execution in forms recommended by the Corporation Counsel. The signatures thereon shall provide conclusive evidence that the forms of the contracts have been so approved. The City Representatives are authorized to do all things necessary and to execute any such documents as may be reasonably necessary to effectuate the closing, to provide payment for the acquisition and to implement such contracts.

Section 7. The City hereby makes the following covenants and declarations with respect to obligations determined to be issued by the Chief Financial Officer on a tax-exempt basis. The City hereby covenants that it will comply with any conditions subsequent imposed by the Internal Revenue Code of 1986, as amended (the "Code"), in order to preserve the exemption from taxation of interest on the obligations, including, if necessary, the requirement to rebate all net investment earnings on the gross proceeds above the yield on the obligations. The Chief Financial Officer is hereby authorized to act on behalf of the City to deem the obligations authorized herein as bank qualified for the purposes of Section 265 of the Code, when appropriate. The City hereby declares the intent of the City to issue bonds or bond anticipation notes in the amount authorized in Section 2 of this bond ordinance and to use the proceeds to pay or reimburse expenditures for the costs of the purposes described in Section 3 of this bond ordinance. This Section 7 is a declaration of intent within the meaning and for purposes of Treasury Regulations §1.150-2 or any successor provisions of federal income tax law.

BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF PROPERTY LOCATED AT 15 LINDEN AVENUE EAST IN AND BY THE CITY OF JERSEY CITY, IN THE COUNTY OF HUDSON, NEW JERSEY, APPROPRIATING \$24,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$24,000,000 BONDS OR NOTES OF THE CITY TO FINANCE PART OF THE COST THEREOF

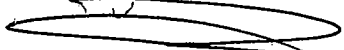
Section 8. Any grant moneys received for the purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or to payment of the obligations issued pursuant to this ordinance. The amount of obligations authorized but not issued hereunder shall be reduced to the extent that such funds are so used. Such proceeds in the amount of the down payment appropriated herein and in excess of the obligations authorized herein shall be reimbursed to the capital improvement fund.

Section 9. The chief financial officer of the City is hereby authorized to prepare and to update from time to time as necessary a financial disclosure document to be distributed in connection with the sale of obligations of the City and to execute such disclosure document on behalf of the City. The chief financial officer is further authorized to enter into the appropriate undertaking to provide secondary market disclosure on behalf of the City pursuant to Rule 15c2-12 of the Securities and Exchange Commission (the "Rule") for the benefit of holders and beneficial owners of obligations of the City and to amend such undertaking from time to time in connection with any change in law, or interpretation thereof, provided such undertaking is and continues to be, in the opinion of a nationally recognized bond counsel, consistent with the requirements of the Rule. In the event that the City fails to comply with its undertaking, the City shall not be liable for any monetary damages, and the remedy shall be limited to specific performance of the undertaking.

Section 10. The full faith and credit of the City are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the City, and the City shall be obligated to levy ad valorem taxes upon all the taxable real property within the City for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

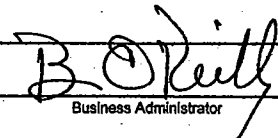
APPROVED AS TO LEGAL FORM



Corporation Counsel

APPROVED:

APPROVED:



Business Administrator

Certification Required ☐

Not Required ☐

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

Ord. 09-068

ORDINANCE NO.

TITLE:

3.E. MAY 20 2009

4.E. JUN 03 2009

4.R. JUN 17 2009

Bond Ordinance providing for the acquisition of property located at 15 Linden Avenue East in and by the City of Jersey City, in the County of Hudson, New Jersey, appropriating \$24,000,000 therefor and authorizing the issuance of \$24,000,000 Bonds or notes of the city to finance part of the cost thereof.



RECORD OF COUNCIL VOTE ON INTRODUCTION MAY 20 2009 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
KENNY	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

Councilperson RICHARDSON moved, seconded by Councilperson LIPSKI to close P.H.

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING JUN 03 2009 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
KENNY	✓			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			
KENNY				FULOP				FLOOD			
LIPSKI				RICHARDSON				VEGA, PRES.			

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF FINAL COUNCIL VOTE JUN 17 2009 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
KENNY	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

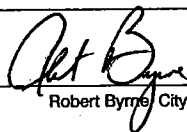
Adopted on first reading of the Council of Jersey City, N.J. on

MAY 20 2009

Adopted on second and final reading after hearing on

JUN 17 2009

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on JUN 17 2009


Robert Byrne, City Clerk


APPROVED:


Mariano Vega, Jr., Council President

Date:

JUN 17 2009

APPROVED:


Jerramiah T. Healy, Mayor

Date

JUN 19 2009

Date to Mayor

JUN 18 2009

*Amendment(s):