

City Clerk File No. Ord. 12-145

Agenda No. 3.F 1st Reading

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



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 12-145

TITLE: ORDINANCE AUTHORIZING THE ASSIGNMENT NUNC PRO TUNC OF THE FINANCIAL AGREEMENT FROM THE CRITERION URBAN RENEWAL COMPANY, LLC, TO BR CRITERION URBAN RENEWAL COMPANY, LLC

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

WHEREAS, on or about November 30, 2005, The Criterion Urban Renewal Company, LLC [Original Entity], applied for a Long Term Tax Exemption under N.J.S.A. 40A:20-1 et seq., for land and improvements located within the Medical Center Study Area Redevelopment Plan, now known as The Beacon Redevelopment Plan, known on the City's Tax Map as Block 15303, Lot 12 (formerly known as Block 1915, Lot 25), and more commonly known by the street address of 100 Clifton Place [Property]; and

WHEREAS, The Criterion Urban Renewal Company, LLC, was to have substantially rehabilitated, restored and constructed a residential building, to contain approximately 156 market rate residential condominium units [Project]; and

WHEREAS, by adoption of Ordinance 06-156 on December 13, 2006, the City of Jersey City [City] approved a long term tax exemption with a service charge equal to twelve percent (12%) of the Annual Gross Revenue with a term of the earlier of thirty-five (35) years from adoption of the ordinance or thirty (30) years from substantial completion of the Project; and

WHEREAS, on January 3, 2007, the City executed a financial agreement with The Criterion Urban Renewal Company, LLC, for the Project [Financial Agreement]; and

WHEREAS, The Criterion Urban Renewal Company, LLC, did not pay the Affordable Housing contribution, which was \$234,000; and

WHEREAS, on or about December 29, 2011, The Criterion Urban Renewal Company, LLC, transferred the property to BR Criterion Urban Renewal Company, LLC [the New Entity]; and

WHEREAS, on August 2, 2012, The Criterion Urban Renewal Company, LLC, filed an application to obtain the City's approval nunc pro tunc to assign the tax abatement to BR Criterion Urban Renewal Company, LLC; and

WHEREAS, BR Criterion Urban Renewal Company, 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. [the New Entity]; and

WHEREAS, on August 10, 2012 the Tax Exemption Committee recommended the approval of the assignment to the Mayor; and

WHEREAS, pursuant to Section 9.1 of the Financial Agreement, the City is required to consent to the assignment so long as 1) the New Entity does not own any other Project subject to long term tax exemption at the time of transfer; 2) the New Entity is formed and eligible to operate under the Law; 3) the Original Entity is not then in default of this Agreement or the Law; 4) the Original Entity's obligations under this Agreement are fully assumed by the New Entity; and

WHEREAS, both The Criterion Urban Renewal Company, LLC, and BR Criterion Urban Renewal Company, LLC, have complied with the terms of Section 9.1 of the Financial Agreement; and

0 2 0 1 2 1 5 8

ORDINANCE AUTHORIZING THE ASSIGNMENT NUNC PRO TUNC OF THE FINANCIAL AGREEMENT FROM THE CRITERION URBAN RENEWAL COMPANY, LLC, TO BR CRITERION URBAN RENEWAL COMPANY, LLC

WHEREAS, the City will receive a transfer fee of 2% of the estimated Annual Service Charge, or \$8,115, the maximum transfer fee permitted under N.J.S.A. 40A:20-10(d); and

WHEREAS, BR Criterion Urban Renewal Company, LLC, has initially complied with Executive Order 2002-005 concerning "Disclosure of Lobbyist Representative Status" by filing an appropriate letter in the Office of the City Clerk.

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

A. The application of The Criterion Urban Renewal Company, LLC, to assign the tax exemption and financial agreement to BR Criterion Urban Renewal Company, LLC, an urban renewal company, formed and qualified to do business under the provisions of the Long Term Tax Exemption Law of 1992, as amended and supplemented, N.J.S.A. 40A:20-1 et seq. a copy of which is on file in the office of the City Clerk, for the project designated as Block 15303, Lot 12 (formerly known as Block 1915, Lot 25), on the City's Official Tax map, more commonly known by the street address of 100 Clifton Place, more specifically described by metes and bounds in the application, is hereby approved, nunc pro tunc, as of December 29, 2011, provided that BR Criterion Urban Renewal Company, LLC, pays the full amount of the Affordable Housing Trust Fund contribution or \$234,000 the earlier of the following dates: a) the issuance of the last Temporary Certificate of Occupancy for the building; or b) 75% of the units in the building have been leased.

B. The Mayor or Business Administrator is hereby authorized to acknowledge or approve an assignment and assumption agreement of the tax exemption and financial agreement between the parties.

C. The City Clerk shall deliver a certified copy of the Ordinance and the Consent and Assignment and Assumption Agreement to the Tax Assessor and Director of the Division of Local Government Services.

D. The application is on file with the office of the City Clerk. The Consent and Assignment and Assumption Agreement shall be in substantially the form on file in the Office of the City Clerk, subject to such modification as the Business Administrator or Corporation Counsel deems appropriate or necessary.

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

F. 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.

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

H. 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.

JM/he
10/16/12

APPROVED AS TO LEGAL FORM

APPROVED: _____

Corporation Counsel

APPROVED: _____
Business Administrator

Certification Required

Not Required

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

ORDINANCE NO. Ord. 12-145
 TITLE: 3.F. OCT 24 2012 4.F. NOV 28 2012



Ordinance authorizing the assignment NUNC PRO TUNC of the financial and repayment agreements from the Criterion Urban Renewal Company, LLC, to BR Criterion Urban Renewal Company, LLC.

RECORD OF COUNCIL VOTE ON INTRODUCTION											
OCT 24 2012 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	✓			FULOP	✓			LAVARRO	✓		
LOPEZ	✓			RICHARDSON	✓			MASSEY	✓		

✓ Indicates Vote *PAT O'MELIA* *ELIZABETH PERRY* *LAMAR AGUSTE* *LAUREN FASANO* N.V.-Not Voting (Abstain)
JASON BURG *DAVID RAMSEY* *EUGENE PAOLINO* *SEAN BAVA*
YVONNE BALZER *CHRISTINE LI* *GEORGE FILOPOLOUS* *MARIANNE WALKSTEIN*

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
NOV 28 2012 9-0											
Councilperson <u>BRENNAN</u>				moved, seconded by Councilperson <u>GAUGHAN</u>				to close P.H.			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	✓			FULOP	✓			LAVARRO	✓		
LOPEZ	✓			RICHARDSON	✓			COLEMAN	✓		

✓ Indicates Vote *JAMES KEATING* *BOWEN STEWART* *CRYSTAL POTTS* N.V.-Not Voting (Abstain)
CHRISTINE BARRESE *ELECTRA HOLMES* *CARL RUHNER*
BETH POLYCHRONIS *JOHN OWEN*

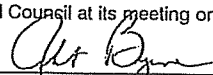
RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____				moved to amend* Ordinance, seconded by Councilperson _____				& adopted			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
DONNELLY				FULOP				LAVARRO			
LOPEZ				RICHARDSON				COLEMAN			

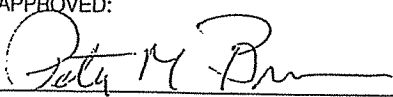
✓ Indicates Vote N.V.-Not Voting (Abstain)

RECORD OF FINAL COUNCIL VOTE											
NOV 28 2012 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	✓			FULOP	✓			LAVARRO	✓		
LOPEZ	✓			RICHARDSON	✓			COLEMAN	✓		

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

Adopted on first reading of the Council of Jersey City, N.J. on OCT 24 2012
 Adopted on second and final reading after hearing on NOV 28 2012

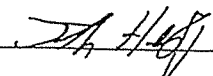
This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on NOV 28 2012

 Robert Byrne, City Clerk

APPROVED:

 Peter M. Brennan, Council President

*Amendment(s):

Date: NOV 28 2012
 APPROVED:

Jerramiah T. Healy, Mayor

Date  NOV 30 2012
NOV 29 2012
 Date to Mayor _____