

City Clerk File No. Ord. 14.161

Agenda No. 3.6 1st Reading

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



ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

CITY ORDINANCE 14.161

TITLE: ORDINANCE RESCINDING ORDINANCE 14-112 AND TERMINATING THE FIVE (5) YEAR TAX AGREEMENT BETWEEN THE CITY OF JERSEY CITY AND JERSEY AVENUE MM, LLC, AT THE REQUEST OF THE OWNER

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

WHEREAS, on or about March 11, 2014, Jersey Avenue MM, LLC [Jersey Avenue MM] applied for a five (5) year tax exemption under NJSA 40A:21-1 et seq., and Section 304-12 of the Jersey City Municipal Code, for land and improvements on a property known as Block 12704, Lot 28.01, and more commonly known by the street address of 532-536 Jersey Avenue and 168-172 Christopher Columbus Drive [Property]; and

WHEREAS, Jersey Avenue MM was to construct a new multiple dwelling with commercial space in a six (6) story building with a penthouse level on the Property, which will contain approximately seventy-six (76) residential rental units; approximately 11,011 square feet of ground floor retail/commercial rental space; and a below grade parking garage with thirty-five (35) parking spaces [Project]; and

WHEREAS, by adoption of Ordinance 14-112 on October 8, 2014, the City of Jersey City [City] approved the five (5) year tax exemption; and

WHEREAS, since the adoption of Ordinance 14-112, Jersey Avenue MM has stated they no longer want the tax abatement, and therefore have requested the exemption to be terminated and Ordinance 14-112 be rescinded.

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

1. The tax exemption approved by Ordinance 14-112 is rescinded at the request of the Property owner. See letter dated October 20, 2014, attached hereto.
2. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.
3. 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.
4. 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and repealed matter by *italic*.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
11/12/14

APPROVED AS TO LEGAL FORM

Certification Required ☐
Not Required ☐

APPROVED: _____

APPROVED: _____

Corporation Counsel

Business Administrator

CONNELL FOLEY LLP

ATTORNEYS AT LAW

HARBORSIDE FINANCIAL CENTER

2510 PLAZA FIVE
JERSEY CITY, NJ 07311
(201) 521-1000
FAX: (201) 521-0100

OTHER OFFICES

85 LIVINGSTON AVENUE
ROSELAND, NJ 07068
(973) 535-0500
FAX: (973) 535-9217

888 SEVENTH AVENUE
9TH FLOOR
NEW YORK, NY 10106
(212) 307-3700
FAX: (212) 262-0050

PORT LIBERTÉ
23 CHAPEL AVENUE
JERSEY CITY, NJ 07305
(201) 521-0200
FAX: (201) 706-2160

LIBERTY VIEW BUILDING
457 HADDONFIELD ROAD
SUITE 230
CHERRY HILL, NJ 08002
(856) 317-7100
FAX: (856) 317-7117

1500 MARKET STREET
12TH FLOOR
EAST TOWER
PHILADELPHIA, PA 19101
(215) 246-3403
FAX: (215) 665-5727

COUNSEL

BERNARD M. HARTNETT, JR.*
JOHN W. BISSELL
EUGENE J. CODEY, JR.
FRANCIS J. ORLANDO
FRANCIS E. SCHILLER*
EUGENE P. SQUEO*
BRIAN P. MORRISSEY-
NOEL D. HUMPHREYS*
ANTHONY ROMANO II*
KARIN I. SPALDING*

JODI ANNE HUDSON*
RICHARD A. JAGEN
JASON E. MARX*
ALEXIS E. LAZZARA
GAIL GOLDFARB*
THOMAS VECCHIO*
DANIEL B. KESSLER*
ROBERT A. VERDIBELLO*
MICHELE T. TANTALLA*
PHILIP W. ALLOGRAMENTO III*+

DOUGLAS J. SHORT*
MARK A. FORAND*
LEO J. HURLEY*
STEPHEN D. KESSLER
CHRISTOPHER ABATEMARCO*
INGRID E. DA COSTA
OLIVIA F. CLEAVER+
RUKHSANAH L. SINGH*
BRETTANY E. MIANO*
STACIE L. POWERS*
NICOLE B. DORY*
MICHAEL BOJBSA-
CHRISTOPHER M. HEMRICK*
SUSAN KWIATKOWSKI*
MELISSA D. LOPEZ
JASON D. FALK*
JAMES F. SULLIVAN, JR.*
BROOKE E. BOWLES*
ALLYSON M. KASSETTA*
MEGHAN K. MUSSO*
BRENDAN W. CARROLL*
ELEONORE OFOU-ANTWI*
EDMUND J. CAULFIELD*
SYDNEY J. DARLING*
NEIL V. SHAH*
STEPHEN R. TURANO*
STEVEN A. KROLL*

MATTHEW A. BAKER+
MICHAEL J. CREEGAN*
THOMAS M. BLEWITT, JR.+
ZULFIA T. CORRIGAN-
MARY HURLEY KELLETT*
DANIELLE M. NOVAK+
KATELYN O'REILLY
JAMES E. FIGLIOZZI-
MATTHEW D. FIELDING*
MARIEL L. BELANGER*
NICHOLAS W. URCIOLI
GENEVIEVE L. FAIRCLOUGH
CHRISTINA SARTORIO*
THOMAS M. WESTER*
DANIEL E. BONILLA*
CAITLIN PETRY CASCINO*
THOMAS FORRESTER, JR.
KARA M. STEGER-
VICTORIA K. PAGOS*
MICHAEL A. ROLEK*
YANGHO CHARLES SHIN
AMANDA M. CURLEY
SCOTT M. PRESS*
MEGAN M. KOSOVICH
READE W. SELIGMANN
JOSEPH L. LINARES*

PLEASE REPLY TO JERSEY CITY, NJ

October 20, 2014

*ALSO ADMITTED IN NEW YORK
+ALSO ADMITTED IN PENNSYLVANIA
-ONLY ADMITTED IN NEW YORK

Writer's Email: charrington@connellfoley.com

VIA E-MAIL & HAND DELIVERY

Diana Jeffrey, Esq.
Assistant Corporation Counsel
City of Jersey City, Department of Law
280 Grove Street
Jersey City, New Jersey 07302

Re: Application for Five Year Tax Exemption:
Applicant: Jersey Avenue MM, LLC
Project: 532-536 Jersey Avenue and 168-172 Christopher Columbus Drive
A Mixed Use (residential/commercial) Project
Block 12704, Lot 28.01 (f/k/a 20, 21, 28 and 29), Jersey City, NJ

Dear Ms. Jeffrey:

Please be advised that my client has decided not to proceed with the tax abatement that was recently approved for this project at a second reading on October 8, 2014 (Ordinance 14.112). Please note your records accordingly.

Thank you for your review of this matter in the meantime.

Very truly yours,

Charles J. Harrington, III

CJH/ga

cc: Joanne Monahan, Esq., via e-mail
Hjordys Espinal, via e-mail
Maureen Cosgrove, via e-mail
Eduardo Toloza, via e-mail
Albert E. Cameron, Jr., via e-mail
Leonela Fantin, via e-mail
Thomas Campbell, via e-mail

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



ORDINANCE NO. Ord. 14.161

TITLE: 3.G NOV 25 2014 4.H. DEC 17 2014

Ordinance rescinding Ordinance 14.112 and terminating the five (5) year tax agreement between the City of Jersey City and Jersey Avenue MM, LLC, at the request of the owner

RECORD OF COUNCIL VOTE ON INTRODUCTION												NOV 25 2014 9-0
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	
GAJEWSKI	✓			YUN	✓			RIVERA	✓			
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓			
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓			

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING												DEC 17 2014 9-0
Councilperson <u>OSBORNE</u> moved, seconded by Councilperson <u>RIVERA</u> to close P.H.												
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	
GAJEWSKI	✓			YUN	✓			RIVERA	✓			
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓			
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓			

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

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.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMANN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE												DEC 17 2014 9-0
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	
GAJEWSKI	✓			YUN	✓			RIVERA	✓			
RAMCHAL	✓			OSBORNE	✓			WATTERMANN	✓			
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓			

✓ Indicates Vote

N.V.--Not Voting (Abstain)

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

NOV 25 2014

Adopted on second and final reading after hearing on

DEC 17 2014

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on **DEC 17 2014**

Robert Byrne, City Clerk

*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr., Council President

Date **DEC 17 2014**

APPROVED:

Steven M. Eulop, Mayor

Date **DEC 18 2014**

Date to Mayor **DEC 18 2014**