



## ORDINANCE OF JERSEY CITY, N.J.

COUNCIL AS A WHOLE

offered and moved adoption of the following ordinance:

### CITY ORDINANCE 15.174

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 13003 LOT 1 QUALIFIER C 3.90 COMMONLY  
KNOWN BY THE STREET ADDRESS OF 90 COLUMBUS  
DRIVE**

### 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., also known as 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 304-6 et seq. of the Municipal Code, to allow Five (5) Year Tax Exemptions; and

**WHEREAS**, Five (5) Year Tax Exemptions allow 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 proposed fifty (50) story building with five hundred and thirty-nine (539) market rate residential rental units on the Property is permitted for a period of five (5) years; and

**WHEREAS**, 90 Columbus Co., LLC is the owner of Block 13003, Lot 1; Qualifier C 3.90 on the City's Tax Map and more commonly known by the street address of 90 Columbus Drive, Jersey City, New Jersey; and

**WHEREAS**, 90 Columbus Co., LLC received initial approval to construct a fifty (50) story building with five hundred and thirty-nine (539) market rate residential rental units [the Project] from the Planning Board on July 24, 2012, and, after a series of Administrative Amendments, 90 Columbus Co., LLC received final approval for the Project on August 18, 2015; and

**WHEREAS**, on November 23, 2015, the owner filed an application with the Tax Assessor to exempt the Project from taxes for five years and a copy of the owner's application is attached hereto; and

**WHEREAS**, 90 Columbus Co., LLC proposes to pay the City (in addition to the full taxes on the land, which shall continue to be conventionally assessed and taxed) a payment for the new improvements on the property, estimated as follows:

- (a) Year 1: the tax year in which the structure will be completed, no taxes on improvements, just on the land estimated to be \$334,902;

- (b) Year 2: the second tax year, twenty percent (20%) of the taxes on the improvements, estimated to be \$464,484;
- (c) Year 3: the third tax year, forty percent (40%) of the taxes on the improvements, estimated to be \$928,968;
- (d) Year 4: the fourth tax year, sixty percent (60%) of the taxes on the improvements, estimated to be \$1,393,452;
- (e) Year 5: the fifth tax year, eighty percent (80%) of the taxes on the improvements, estimated to be \$1,857,936;
- (f) Year 6: Full taxes estimated to be \$2,322,420.

**WHEREAS**, the total tax to be paid over the five year term is estimated at \$6,967,260; and

**WHEREAS**, the Tax Assessor has determined that the full and true value of the new construction will generate an additional tax payment of \$2,322,420 a year; and

**WHEREAS**, the applicant has agreed that in the event the Citywide revaluation results in a decrease in the estimated amount of actual taxes otherwise due, then for purposes of calculating a tax payment hereunder and for the five (5) year period, the amount shall be calculated on the higher of the amount estimated hereunder or the actual taxes otherwise due; 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 is eligible for a 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 generate a total tax payment of \$2,322,420; and

**WHEREAS**, 90 Columbus Co., LLC will pay \$808,500 to the City's Affordable Housing Trust Fund at the rate of \$1,500 per residential unit for five hundred and thirty-nine (539) units; and

**WHEREAS**, on December 1, 2015, the Tax Exemption Committee recommended the approval of the tax exemption to the Mayor.

**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 proposed fifty (50) story building with five hundred and thirty-nine (539) market rate residential rental units, located on Block 13003, Lot 1, Qualifier C 3.90 of the City's Tax Map and more commonly known by the street address of 90 Columbus Drive, is hereby approved.

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) estimated tax payment on the new improvements shall be:
  - (i) Year 1: the tax year in which the structure will be completed, no taxes on improvements;
  - (ii) Year 2: the second tax year, twenty percent (20%) of the taxes on the improvements, estimated to be \$464,484;

- (iii) Year 3: the third tax year, forty percent (40%) of the taxes on the improvements, estimated to be \$928,968;
- (iv) Year 4: the fourth tax year, sixty percent (60%) of the taxes on the improvements, estimated to be \$1,393,452;
- (v) Year 5: the fifth tax year, eighty percent (80%) of the taxes on the improvements, estimated to be \$1,857,936;
- (vi) Year 6: Full taxes estimated to be \$2,322,420.

The applicant has agreed that in the event the Citywide revaluation results in a decrease in the amount of actual taxes otherwise due for purposes of calculating a tax payment hereunder; during this five (5) year period, the amount due hereunder shall be calculated on the higher of the amount estimated above or the actual taxes due after the revaluation; and

- (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, an receiving the full benefits of, any other tax preferences provided by law.
  - (f) Affordable Housing Trust Fund: \$1,500 per unit (539 units) for a total of \$808,500.
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

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*.

JJH 12/9/15

APPROVED AS TO LEGAL FORM

\_\_\_\_\_  
Corporation Counsel

Certification Required ☐  
Not Required ☐

APPROVED: \_\_\_\_\_

APPROVED: \_\_\_\_\_  
Business Administrator

**RESOLUTION FACT SHEET – NON-CONTRACTUAL**

This summary sheet is to be attached to the front of any resolution that is submitted for Council consideration. Incomplete or vague fact sheets will be returned with the resolution.

**Full Title of Ordinance/Resolution**

An Ordinance Approving A Five (5) Year Tax Exemption for a Market Rate Rental Project Constructed by 90 Columbus Co., LLC, Under the Short-Term Tax Exemption Law N.J.S.A. 40A:21-1 et. seq. Designated as Block 13003 Lot 1 Qualifier C3.90 on the City's Tax Map and known as 90 Christopher Columbus Drive.

**Initiator**

Department/Division	Mayor's Office	
Name/Title	Marcos Vigil	Deputy Mayor
Phone/email	(201) 547-6542	mvigil@icnj.org

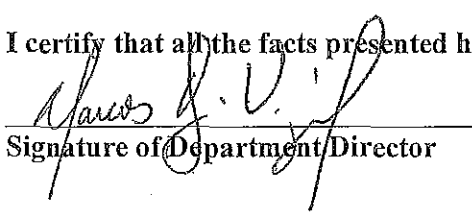
Note: Initiator must be available by phone during agenda meeting (Wednesday prior to council meeting @ 4:00 p.m.)

**Resolution Purpose**

The applicant, 90 Columbus Co. LLC, is applying for a five (5) Year tax abatement for a fifty (50) story five hundred and thirty-nine (539) unit market rate residential rental project under N.J.S.A. 40 A: 21-1 et seq. The fee of \$10,000 was paid with the application.

The property is located at the corner of Marin Boulevard and Steuben Street. It is Block 13003 Lot 1 Qualifier C3.90. To be known as 90 Columbus Drive.

I certify that all the facts presented herein are accurate.

  
Signature of Department Director

12-7-2015  
Date

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



ORDINANCE NO. Ord. 15.174  
TITLE: 3.B DEC 16 2015 4.B JAN 04 2016

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 13003 Lot 1 Qualifier C 3.90 commonly known by the street address of 90 Columbus Drive.

RECORD OF COUNCIL VOTE ON INTRODUCTION <span style="float: right;">DEC 16 2015 7-0</span>											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓	ent	
RAMCHAL	✓			OSBORNE	✓	ent		WATTERMANN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING <span style="float: right;">JAN 04 2016</span>											
Councilperson <u>WATTERMANN</u> moved, seconded by Councilperson <u>OSBORNE</u> to close P.H. <span style="float: right;">9-0</span>											
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:

KABILI TAYARI

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 <span style="float: right;">JAN 04 2016 9-0</span>											
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 DEC 16 2015  
Adopted on second and final reading after hearing on JAN 04 2016

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on JAN 04 2016

Robert Byrne, City Clerk  
Robert Byrne, City Clerk

\*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr., Council President  
Date JAN 04 2016

APPROVED:

Steven M. Fulop, Mayor  
Date JAN 05 2016  
Date to Mayor JAN 04 2016