

City Clerk File No. Ord. 13.100

Agenda No. 3.A 1st Reading

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



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 13.100

TITLE: **ORDINANCE REAPPROPRIATING \$784,600 PROCEEDS OF OBLIGATIONS NOT NEEDED FOR THEIR ORIGINAL PURPOSES IN ORDER TO PROVIDE FOR VARIOUS CAPITAL IMPROVEMENTS IN AND BY THE CITY OF JERSEY CITY, IN THE COUNTY OF HUDSON, NEW JERSEY**

BE IT ORDAINED BY THE MUNICIPAL 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. Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that \$784,600 of the proceeds of obligations originally made available pursuant to bond ordinance No. 09-097 of the City of Jersey City, in the County of Hudson, New Jersey (the "City"), finally adopted by the Municipal Council of the City on October 24, 2009 (the "2009 Ordinance") is no longer necessary for the purpose for which the obligations previously were authorized.

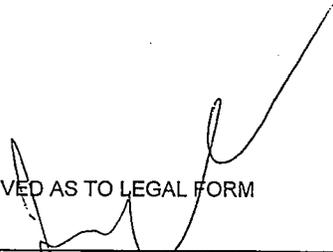
Section 2. The \$784,600 described in Section 1 and made available pursuant to N.J.S.A. 40A:2-39 from the 2009 Ordinance is hereby reappropriated to provide for (i) the acquisition and installation of a multipurpose synthetic field (for use for various sports, including, soccer, football and baseball), (ii) acquisition of site furniture, including, but not limited to picnic tables, benches and bicycle racks; and (iii) various park improvements, including, but not limited to the installation of lighting, trees and other landscaping improvements.

Section 3. The capital budget of the 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 4. Section 5(b) of the 2009 Ordinance shall be amended to read as follows:

"(b) The period of usefulness of the improvements or purposes 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 37.7454 years."

Section 5. This 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

I N T E R

MEMO

Department of Administration
Division of Management & Budget

O F F I C E

Date: September 24, 2013
To: Council President Rolando Lavarro and Members of the Municipal Council
From: Donna Mauer, Chief Financial Officer 
Subject: Reappropriating Ordinance - Capital Funds

City Ordinance 13.100, agenda item 3.a, reappropriating \$784,600 in bond proceeds will be presented to you for first reading on the 9/25/13 meeting. In lieu of issuing new debt, this ordinance will allow the City to reappropriate these funds to be used for the improvements at Berry Lane Park. These improvements include a multipurpose synthetic field for various sports, including, soccer, football and baseball, installation of picnic tables, benches, bicycle racks, lighting, trees and other landscaping.

If you have any questions or concerns regarding this ordinance, please do not hesitate to contact me.

cc: Robert Byrne, City Clerk
Robert Kakoleski, Acting Business Administrator

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



ORDINANCE NO. Ord. 13.100

TITLE: 3.A SEP 25 2013 4.A OCT 09 2013

Ordinance reappropriating \$784,600 proceeds of obligations not needed for their original purposes in order to provide for various capital improvements in and by the City of Jersey City, in the County of Hudson, New Jersey.

RECORD OF COUNCIL VOTE ON INTRODUCTION											
										SEP 25 2013	9-0
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
										OCT 09 2013	9-0
Councilperson <u>Coleman</u> moved, seconded by Councilperson <u>Osborne</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	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

Yvonne Balcer
 Laura Skolar
 Kabili Tayari
 Peter Kaulesar
 Jayson Burg

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				WATTERMAN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE											
										OCT 09 2013	9-0
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

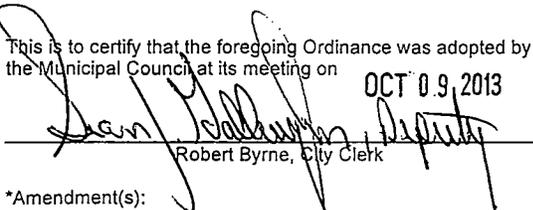
✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on SEP 25 2013

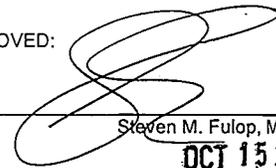
Adopted on second and final reading after hearing on OCT 09 2013

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on OCT 09 2013


 Robert Byrne, City Clerk

*Amendment(s):

APPROVED: 
 Rolando R. Lavarro, Jr., Council President
 Date OCT 09 2013

APPROVED: 
 Steven M. Fulop, Mayor
 Date OCT 15 2013

Date to Mayor OCT 10 2013

City Clerk File No. Ord. 13.101

Agenda No. 3.B 1st Reading

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



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 13.101

TITLE:

**AN ORDINANCE AMENDING CHAPTER 307, ARTICLE I (TAXICABS),
OF THE JERSEY CITY MUNICIPAL CODE INCREASING THE NUMBER OF
TAXI CAB LICENSES AND OFFERING THE LICENSES FOR SALE AT
PUBLIC AUCTION**

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

WHEREAS, it is in the City's best interest to ensure the safety, health and welfare of the residents of the City of Jersey City by updating the City Code to reflect the changing needs of the public, protect its welfare and comply with state statutes as amended and supplemented; and

WHEREAS, changes and shifts in population and increased use in new developments and transportation areas as well as additional travelers and visitors to our city have increased the need for additional taxicab licenses; and

WHEREAS, the City of Jersey City wishes to add additional taxicab licenses to provide additional services to the residents and visitors of the City; and

WHEREAS, Article I of Chapter 307 of the Code of the City of Jersey City needs to be amended to provide for additional taxicab licenses in accordance with the procedures permitted by recent changes to New Jersey State Statute, specifically N.J.S.A. 48:16-2.3 which allows municipalities to sell taxicab licenses to the highest qualified bidder at a public auction conducted by the municipal clerk; and

WHEREAS, the City of Jersey City wishes to amend the Code of the City of Jersey City to provide for the auction of said additional taxicab licenses in accordance with the procedures permitted N.J.S.A. 48:16-2.3.

WHEREAS, the City of Jersey City wishes to amend the Code of the City of Jersey City to provide for the auction of said additional taxicab licenses in accordance with the procedures permitted by New Jersey State Statute.

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

A. The following amendments to Chapter 307 (taxicabs) Section 307-2 (Certificate of Public Convenience and Necessity Required) and Chapter 307 (taxicabs) Section 307-27(c) (Taxi stands; establishment; designated stand; open stand; use) are hereby adopted.

§307-2. Certificate of Public Convenience and Necessity required.

A. No private vehicle or limousine shall be used as a taxicab. No person shall operate or

permit a taxicab owned or controlled by him or her to be operated as a vehicle for hire without having first obtained a Certificate of Public Convenience and Necessity from the Division of Commerce. The number of outstanding certificates shall be limited to a total of ~~[one hundred four (104) cabs]~~ one hundred twenty-four (124) taxis. Any additional licenses authorized by this Ordinance shall be issued to the highest qualified bidder at auction in accordance with N.J.S.A. 48:16-2.1, et seq., as amended and no more, unless adequate service to the public shall require more and such additions are approved by the Municipal ~~[Court]~~ Council.

- B. The Municipal Clerk is authorized to advertise for sale the additional twenty (20) licenses in accordance with N.J.S.A. 48:16-2.1, et seq. Such licenses shall be offered for sale at public auction, after advertising thereof in the Jersey Journal and the Hudson Reporter.
- C. Such licenses shall be offered for sale at public auction, after advertising thereof in the Jersey Journal and the Hudson Reporter.
- D. The minimum bid price shall be as follows for the following designated taxi stand locations:
 - 1. Journal Square taxi stand an additional (3) three license minimum bid price \$100,000.00.
 - 2. Grove Street taxi stand an additional (2) two licenses minimum bid price \$80,000.00.
 - 3. Town Square Place (FKA Pavonia Avenue) an additional (4) four licenses minimum bid price \$80,000.00.
 - 4. Exchange Place taxi stand an additional (2) two licenses minimum bid price \$50,000.00.
- E. The minimum bid price for the additional (9) nine licenses that are not designated to a closed taxi stand location shall be \$50,000.00 each.
- F. Ten (10) percent of the minimum bid price shall be paid to the Municipal Clerk by teller's or certified check at the conclusion of the bidding. The balance shall be paid within seventy two (72) hours of the later of (1) council resolution accepting a bid and (2) issuance of an owner's license pursuant to this chapter. The Municipal Council reserves the right to reject all bids where the highest bid is not accepted.
- G. Any new license issued pursuant to subsection (B) of this section may not be transferred within two years after issuance unless such transfer is approved on the basis of death, disability, serious illness or severe financial hardship by resolution of the Municipal Council.

§ 307-27. Taxi stands; establishment; designated stand; open stand; use.

- A. No change.
- B. No change.
- C. Any newly created designated taxi stand or any assigned space at an existing designated taxi stand which becomes available through retirement, revocation or other means shall be ~~[filled through a lottery system]~~ offered for sale at public auction, after advertising thereof in the Jersey Journal and the Hudson Reporter. The procedures, rules and regulations for such an ~~[lottery system]~~ auction shall be announced by directive issued by the Director of the Division of Commerce with the approval of the Business Administrator and may be amended as deemed necessary to ensure the fair and equitable disposition of designated taxi stand assignments. The auction shall be conducted by the City Clerk. A holder aggrieved by any decision made pursuant to § 307-27(b) or § 307-

27(c) herein may appeal in writing to the Business Administrator within twenty (20) days of such decision. A hearing shall be scheduled upon at least ten (10) days' notice to such holder.

- D. No change.
- E. No change.
- F. No change.
- G. No change.

§ 307-27(d)-§ 307-31.1 No change.

- B. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- C. The City Clerk shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- D. This ordinance shall take effect at the time and in the manner as provided by law.
- E. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

Note: All new material is underlined; words in [brackets] are omitted. For purposes of advertising only, new matter is **boldface** and repealed matter by *italics*.

JH/igp
9/18/13

APPROVED AS TO LEGAL FORM

Corporation Counsel

Certification Required

Not Required

APPROVED: _____

APPROVED: _____
Business Administrator



STEVEN M. FULOP
MAYOR OF JERSEY CITY

CITY OF JERSEY CITY
DEPARTMENT OF LAW

CITY HALL | 280 GROVE STREET | JERSEY CITY, NJ 07302
P: 201 547 5229 | F: 201 547 5230



JEREMY FARRELL
CORPORATION COUNSEL

MEMORANDUM

TO: Council President Lavarro and the Members of the Municipal Council

FROM: John Hallanan, Assistant Corporation Counsel 

RE: Ordinance amending Chapter 307, Article I (Taxicabs), of the Jersey City Municipal Code increasing the number taxicab licenses and offering the licenses for sale at public auction.

DATE: September 18, 2013

The Division of Commerce wishes to expand the number of taxicab licenses granted by the City to reflect the changing needs of the public, and to change the existing language of the Municipal Code regarding taxicabs to reflect changes in the State's statutes regarding the issuance of such taxi licenses.

According to the Division of Commerce, the current under-supply of taxicabs has created lengthy waiting times and sometimes prevented customers from obtaining taxi service at all. The current ratio between the number of taxicabs and population is extremely high when compared to neighboring municipalities (see spreadsheet). Ridership at Jersey City's four Path Stations have experienced steady growth since November of 2001 when the City last issued new taxi licenses (see spreadsheet). Several New Jersey Transit Light Rail Stations have been added throughout the City since November of 2001 and several hotels have been built in the past 10 years as well. Accordingly, the Division of Commerce believes that an increase in the number of taxi license is justified.

The Division of Commerce wishes to increase the number of taxicabs in Jersey City from 104 to 124. The relevant language of N.J.S.A. 48:16-2.1 allows cities such as Jersey City the ability to determine how many taxi licenses it wishes to grant, and the newly adopted statute N.J.S.A. 48:16-2.3 municipalities to sell taxicab licenses to the highest qualified bidder at a public auction conducted by the municipal clerk rather than award the license by lottery.

Ratio of Taxicabs to Population

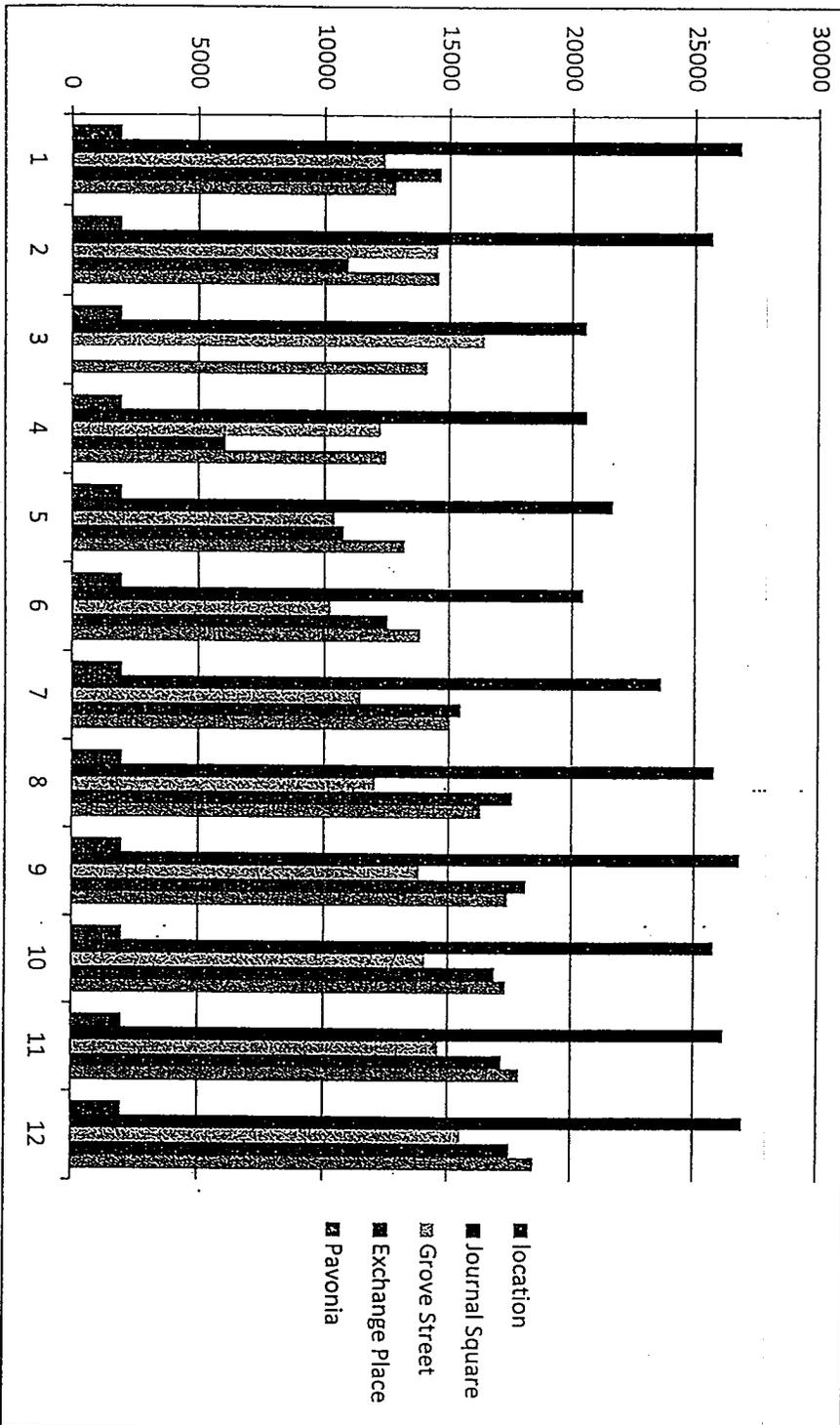
<u>Municipality</u>	<u>Population</u>	<u># of Taxicabs</u>	<u>Ratio</u>
Bayonne	62,000	57	1 per 1087
Union City	80,000	105	1 per 762
Newark	278,000	400	1 per 695
*excludes 200 taxicabs that are assigned to Newark Airport			
Elizabeth	125,000	67	1 per 1866
*excludes 97 taxicabs that are assigned to Newark Airport			
Hoboken	50,000	75	1 per 667
total	595,000	704	1 per 845
Jersey City	247,600	104	1 per 2381

Proposed

PATH TRAIN STATION

Average Weekday Traffic

Location	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011
Journal Square	26,877	25,719	20,579	20,604	21,655	20,464	23,671	25,822	26,869	25,831	26,240	27,017
Grove Street	12,417	14,559	16,466	12,273	10,429	10,266	11,473	12,070	13,849	14,096	14,652	15,578
Exchange Place	14,661	10,923	0	6,066	10,756	12,537	15,512	17,593	18,154	16,911	17,208	17,539
Pavonia	12,841	14,574	14,118	12,475	13,216	13,844	15,056	16,318	17,413	17,353	17,910	18,523



Location	% Change 2000/2011
Journal Square	0.5%
Grove Street	25.5%
Exchange Place	19.6%
Pavonia	44.2%

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



ORDINANCE NO. Ord. 13, 101

TITLE: 3.B SEP 25 2013 4.B OCT 09 2013

An ordinance amending Chapter 307, Article I
(Taxicabs), of the Jersey City Municipal Code increasing
the number of Taxi Cab licenses and offering the licenses
for sale at public auction.

RECORD OF COUNCIL VOTE ON INTRODUCTION											
SEP 25 2013 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
OCT 09 2013 9-0											
Councilperson <u>Osborne</u> moved, seconded by Councilperson <u>Coleman</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	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

Jayson Burg Bill Girgis Shawk Khalil Mootaz Ahmed Maryann Andrews Raphael Moas	Tarek Attia Philip Carrington Eric Kwless Kabili Tayari Ivan Smith
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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				WATTERMAN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE											
OCT 09 2013 8-0-1											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO			✓	COLEMAN	✓			LAVARRO, PRES.	✓		

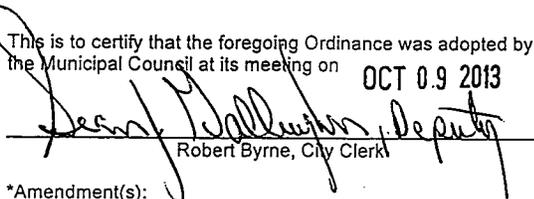
✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on SEP 25 2013

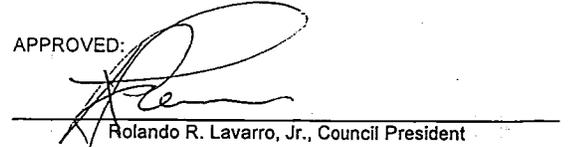
Adopted on second and final reading after hearing on OCT 09 2013

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on OCT 09 2013


Robert Byrne, City Clerk

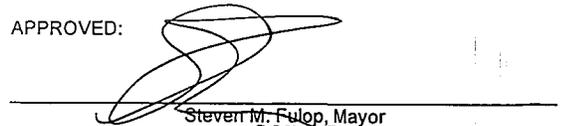
*Amendment(s):

APPROVED:


Rolando R. Lavarro, Jr., Council President

Date OCT 09 2013

APPROVED:


Steven M. Fulop, Mayor

Date OCT 15 2013

Date to Mayor OCT 10 2013

City Clerk File No. Ord. 13.102

Agenda No. 3.C 1st Reading

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



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 13.102

TITLE: ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE LIBERTY HARBOR NORTH REDEVELOPMENT PLAN TO ADD DOG AND CAT DAYCARE AND OVERNIGHT BOARDING AS A PERMITTED USE WITH SPECIFIC RESTRICTIONS

WHEREAS, the Local Redevelopment and Housing Law, NJSA 40A:12A-1et seq. permits municipalities to adopt and amend regulations dealing with areas declared to be "in need of redevelopment" and "in need of rehabilitation"; and

WHEREAS, the Municipal Council of the City of Jersey City adopted a redevelopment plan for the Liberty Harbor North Redevelopment Plan Area on March 2, 1983; and

WHEREAS, the Liberty Harbor North Redevelopment Plan has been amended periodically since its adoption with sweeping changes made in 2002 by the adoption of the Duany Plater-Zyberk Master Plan; and

WHEREAS, the Municipal Council of the City of Jersey City wishes to assure continued high quality design and development within the Liberty Harbor North Redevelopment Plan area; and

WHEREAS, This ordinance adopts amendments to the use regulations to allow dog & cat day care and overnight boarding to be permitted provided specific use and building improvement characteristics are all incorporated into the facility; and

WHEREAS, the Planning Board of Jersey City, at its meeting of August 20, 2013, reviewed this amendment and found there to be many advantages. The board unanimously recommended that the Municipal Council adopt the proposed amendments; and

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that the proposed Amendments, attached hereto, as Recommended by the Jersey City Planning Board on August 20, 2013 be, and hereby is, adopted.

BE IT FURTHER ORDAINED THAT:

- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This ordinance shall be a part of the Jersey City Code as though codified and set forth fully herein. 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 as provided by law.
- D. The City Clerk and the Corporation Council 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 repealers of existing provisions.
- E. The City Planning Division is hereby directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the Hudson County Planning board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15 and N.J.S. 40:55D-63 (if required). Upon the adoption of this Ordinance after public hearing thereon, the City Clerk is hereby directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Hudson County Planning Board as required by N.J.S. 40:55D-16. The clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Municipal Tax Assessor as required by N.J.S. 40:49-2.1.

Robert D. Cotter, PP, FAICP, Planning Director

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED:

Business Administrator

Certification Required

Not Required

ORDINANCE FACT SHEET

1. **Full Title of Ordinance/Resolution/Cooperation Agreement:**
ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE LIBERTY HARBOR NORTH REDEVELOPMENT PLAN TO ADD DOG AND CAT DAYCARE AND OVERNIGHT BOARDING AS A PERMITTED USE WITH SPECIFIC RESTRICTIONS
2. **Name and Title of Person Initiating the Ordinance, Resolution, etc.:**
Anthony Cruz, Director, Department of Housing, Economic Development, and Commerce
3. **Concise Description of the Program, Project or Plan Proposed in the Ordinance/Resolution:**
The Liberty Harbor North Redevelopment Area is approximately bounded by Grand Street on the North, Jersey Avenue on the West, the Tidewater Basin to the South and Luis Munoz Marin Boulevard on the East.

This ordinance adopts amendments to the use regulations to allow dog & cat day care and overnight boarding to be permitted provided specific use and building improvement characteristics are all incorporated into the facility.
4. **Reasons (Need) for the Proposed Program, Project, etc.:**
 1. The dog and cat day care facility located at Gulls Cove requests to expand to provide overnight services. The current plan prohibits this use;
 2. The amendments responds to the reality of changing demand for this service;
 3. The redevelopment Plan needs to contain specific provisions to and adequately manage this new use.
 4. The owner has demonstrated substantial demand for the use;
 5. There is support for the use by new residents of the area.
5. **Anticipated Benefits to the Community:**
 1. Allows for inclusion of modern uses in the area
 2. Requires conformance with sound, smell, drainage and other health related issues associated with dog & cat day care and overnight boarding.
6. **Cost of Proposed Program, Project, etc.:**
No expense to the city.
7. **Date Proposed Program or Project will commence:**
It will commence upon approval of the redevelopment plan amendment.
8. **Anticipated Completion Date:** N/A
9. **Person Responsible for Coordinating Proposed Program, Project, etc.:**
Robert D. Cotter, Director, City Planning 547-5050
Maryann Bucci-Carter, City Planning 547-4499
10. **Additional Comments:** None
I Certify that all the Facts Presented Herein are Accurate.


Division Director

Sept 16, 2013
Date


Department Director Signature

9/17/13
Date

**Proposed Amendments to the Liberty Harbor North Redevelopment Plan
As recommended by the Planning Board at their meeting of August 20, 2013**

1. Revise Uses Prohibited section as follows:

USES PROHIBITED:

- ~~Commercial Kennels and animal husbandry facilities.~~

2. Revise Permitted Use section as by adding the following use paragraph:

V.11 USE STANDARDS:

Dog & Cat day care and overnight boarding may be permitted provided all of the following use characteristics are all included, and also provided the characteristics remain in place and functioning properly.

- 1. Kennel space shall be located below the garage level of a building and not below any residential unit. Associated uses other than kennel space, such as, retail sales and services, office, and veterinary space may be located under residential space;*
- 2. There shall be initial and periodic testing of sound levels. The results shall be shared with the Planning and Zoning Division and the proprietor shall construct all improvements needed to provide for the sound attenuation of the animals throughout the building. Construction specifications, mechanical specifications, and material details must all be provided on the site plans and floor plans in a manner that demonstrates conformance with the use characteristics provided herein.*
- 3. There shall be initial and annual testing of ventilation levels & air changes. The results shall be shared with the Directors of City Planning, Zoning, the Construction Code Official, and; the proprietor shall construct all improvements needed to eliminate the animal odors from traveling throughout the building. Construction specifications, mechanical specifications and material details must all be provide on the site plans and floor plans in a manner that demonstrates conformance with the use characteristics provided herein.*
- 4. There shall be high performance hair filters in all drains to insure there is no added burden on the building plumbing and waste system. They shall meet all plumbing, drainage and health codes.*
- 5. All interior spaces where pets may be present shall be designed with non-permeable durable washable surface equipped with spray down and drain facilities.*
- 6. There shall be on-site outdoor space fitted with non-permeable durable washable surface equipped with spray down and drain facilities. Animal brought to this outdoor space must remain silent or utilize indoor services only. The facility on Block 15901 Lot 10, Unit 2A of Phase 1 is exempt from the outdoor space requirement provided it does not expand beyond the current floor area.*
- 7. Each facility shall be limited to a maximum number of one (1) pet per 30 sq. ft. of floor area configured in a minimum area of 350 square feet of free unencumbered indoor play space; (floor area dedicated to crate space is not included).*
- 8. Leash walking by facility employees on public and private rights-of-way and parks shall be prohibited;*
- 9. Surveillance and safety mechanisms are required when there is no overnight attendant in the facility;*
- 10. Doors to pet areas shall be fitted with double safely gauges at all entrances and exits;*

11. The blocking of windows to obscure the view indoors thru the facility is prohibited. Where some blockage may be necessary for sound buffering, vitrines filled with attractive window displays are required and such vitrines must be maintained to include regular display changes to avoid fading and dirt build-up. Unfinished walls and beams shall not be visible.

12. If the Zoning Officer or the City Health Officer finds that these standards are not met, the operation may be ordered to cease until the problems are corrected.

13. The Zoning Officer and Health Officer shall inspect the premises once a year.

Text to be deleted is depicted with a strikethrough, ~~thusly~~

Text to be added is depicted in bolded italic, ***thusly***

Department of Housing, Economic Development & Commerce
Division of City Planning



Memorandum

DATE: September 16, 2013

TO: Rolando Lavarro, Council President
Member of the Municipal Council

FROM: Robert D. Cotter, PP, FAICP; Planning Director *RD Cotter*
Maryann Bucci-Carter, PP, AICP; Supervising Planner *MB*

SUBJECT: Ordinance Adopting Amendments to the Liberty Harbor North
Redevelopment Plan to add dog and cat daycare and overnight boarding as a
permitted use with specific restrictions

Club Barks is an existing dog & cat day care facility located in the ground floor of the Gulls Cove Condominium building. The owner has petitioned the City to amend the Liberty Harbor North Redevelopment Plan standards to permit overnight stays in addition to day care services. To respond to the request, the Planning Division Staff researched industry standards and guidelines for review.

We found that the permitted expansion of this use raised several issues of concern regarding inherent conflict between this use and residential dwellings, specifically, with regard to sound and smell. This recommended amendment applied what was learned from this research and incorporated further recommendation made by the Jersey City Planning Board at their public hearing on August 20, 2013. The amendment will permit the use provided specific building improvements and characteristics are all incorporated into the facility. These characteristics are outlined in the attached amendment and include such requirements as; this use being located below the garage level of a building and not below any residential unit; periodic testing of sound levels; periodic testing of ventilation levels & air changes; and annual inspection by the Zoning Office and Health Officer.

The owner has demonstrated substantial demand for the use and there is support for the use by residents of the building.

We feel this amendment conscientiously responds to the reality of changing demand for this service.

SUMMARY STATEMENT

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE LIBERTY HARBOR NORTH REDEVELOPMENT PLAN TO ADD DOG AND CAT DAYCARE AND OVERNIGHT BOARDING AS A PERMITTED USE WITH SPECIFIC RESTRICTIONS

The Liberty Harbor North Redevelopment Area is approximately bounded by Grand Street on the North, Jersey Avenue on the West, the Tidewater Basin to the South and Luis Munoz Marin Boulevard on the East.

This ordinance adopts amendments to the use regulations to allow dog & cat day care and overnight boarding to be permitted provided specific use and building improvement characteristics are all incorporated into the facility.

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



Ord. 13.102
 ORDINANCE NO. _____
 TITLE: _____ SEP 25 2013 4.C OCT 09 2013

Ordinance of Municipal Council of the City of Jersey City
 adopting amendments to the Liberty Harbor North
 Redevelopment Plan to add dog and cat daycare and
 overnight boarding as a permitted use with specific
 restrictions.

RECORD OF COUNCIL VOTE ON INTRODUCTION											
SEP 25 2013 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
OCT 09 2013											
Councilperson <u>Osborne</u> moved, seconded by Councilperson <u>Coleman</u> to close P.H. 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

Jayson Burg

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				WATTERMAN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE											
OCT 09 2013 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on SEP 25 2013

Adopted on second and final reading after hearing on OCT 09 2013

This is to certify that the foregoing Ordinance was adopted by
 the Municipal Council at its meeting on OCT 09 2013

Robert Byrne, City Clerk

*Amendment(s):

APPROVED:

Rolando R. Lavarro, Jr., Council President
 Date OCT 09 2013

APPROVED:

Steven M. Fulop, Mayor
 Date OCT 15 2013

Date to Mayor OCT 10 2013

City Clerk File No. Ord. 13.103

Agenda No. 3.D 1st Reading

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



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 13.103

**TITLE: ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY
ADOPTING AMENDMENTS TO THE MORRIS CANAL REDEVELOPMENT PLAN TO
PROHIBIT LIQUOR STORES**

WHEREAS, the Municipal Council of the City of Jersey City adopted the Morris Canal Redevelopment Plan in March of 1999, and amended the Plan numerous times subsequently, most recently on June 27, 2012; and

WHEREAS, with the last amendment to this Plan, definitions were removed from in order that our city-wide glossary could be used; and

WHEREAS, in the course of the previous amendment, a prohibition of liquor stores was inadvertently stricken; and

WHEREAS, it is now appropriate to add the prohibition of liquor stores back into the language of the Plan; and

WHEREAS, the Planning Board, at its meeting of September 10, 2013, determined that the Morris Canal Redevelopment Plan should be amended to prohibit liquor stores and the previous deletion of this language was in error; and

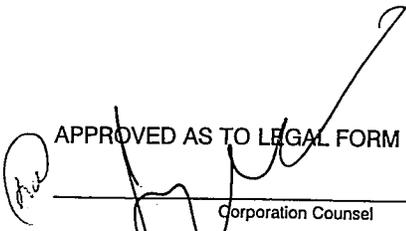
WHEREAS, a copy of the Planning Board's recommended amendments to the Morris Canal Redevelopment Plan is attached hereto, and made a part hereof, and is available for public inspection at the office of the City Clerk, City Hall, 280 Grove Street, Jersey City, NJ;

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the City of Jersey City that the aforementioned amendments to the Morris Canal Redevelopment Plan be, and hereby are, adopted.

BE IT FURTHER ORDAINED THAT:

- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This ordinance shall be a part of the Jersey City Code as though codified and set forth fully herein. 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 as provided by law.
- D. The City Clerk and the Corporation Council 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 repealers of existing provisions.
- E. The City Planning Division is hereby directed to give notice at least ten days prior to the hearing on the adoption of this Ordinance to the Hudson County Planning board and to all other persons entitled thereto pursuant to N.J.S. 40:55D-15 and N.J.S. 40:55D-63 (if required). Upon the adoption of this Ordinance after public hearing thereon, the City Clerk is directed to publish notice of the passage thereof and to file a copy of the Ordinance as finally adopted with the Hudson County Planning Board as required by N.J.S. 40:55D-16. The clerk shall also forthwith transmit a copy of this Ordinance after final passage to the Municipal Tax Assessor as required by N.J.S. 40:49-2.1.


Robert D. Cotter, PP, FAICP
Director, Division of City Planning


APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED: 
APPROVED: 

Business Administrator

Certification Required

Not Required

ORDINANCE FACT SHEET

1. **Full Title of Ordinance:**

ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AMENDMENTS TO THE MORRIS CANAL REDEVELOPMENT PLAN TO PROHIBIT LIQUOR STORES

2. **Name and Title of Person Initiating the Ordinance, etc.:**

Anthony Cruz, Director of Housing, Economic Development, and Commerce

3. **Concise Description of the Program, Project or Plan Proposed in the Ordinance:**

This ordinance amends the Morris Canal Redevelopment Plan to prohibit liquor stores.

4. **Reasons (Need) for the Proposed Program, Project, etc.:**

Previously the definitions included this prohibition, but subsequent to the recent reorganization of a city-wide glossary, the prohibition must be incorporated into the Plan text.

5. **Anticipated Benefits to the Community:**

The community wishes to prohibit liquor stores, this will uphold their vision.

6. **Cost of Proposed Plan, etc.:**

\$0.00. Plan was prepared by Division of City Planning staff.

7. **Date Proposed Plan will commence:**

Upon Adoption.

8. **Anticipated Completion Date: N/A**

9. **Person Responsible for Coordinating Proposed Program, Project, etc.:**

Robert D. Cotter, Director, City Planning 547-5050
Kristin J. Russell, Senior Planner 547-5010

10. **Additional Comments:**

I Certify that all the Facts Presented Herein are Accurate.


Division Director

Department Director Signature

Sept 5, 2013
Date
9/5/13
Date

Summary Sheet:

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY
CITY ADOPTING AMENDMENTS TO THE MORRIS CANAL
REDEVELOPMENT PLAN TO PROHIBIT LIQUOR STORES**

This ordinance amends the Morris Canal Redevelopment Plan to prohibit liquor stores. Previously the definitions included this prohibition, but subsequent to the recent reorganization of a city-wide glossary, the prohibition must be incorporated into the Plan text.

Morris Canal

Redevelopment Plan

(formerly known as the Garfield - Lafayette Redevelopment Plan)

As adopted by the Municipal Council of the City of Jersey City

March 1999
Amended February 27, 2002
Amended March 27, 2002
Amended July 26, 2002
Amended November 13, 2002
Amended August 11, 2004
Amended January 11, 2006
Amended October 16, 2006
Amended March 14, 2007
Amended May 28, 2008 – Ord. 08-060
Amended June 25, 2008 – Ord 08-084
Amended December 17, 2008 – Ord 08-169
Amended January 28, 2009 – Ord 09-006
Amended June 17, 2009 – Ord 09-071
Amended May 12, 2010 – Ord 10-064
Amended August 25, 2010 – Ord 10-104
Amended September 29, 2010 – Ord 10-115
Amended November 23, 2010 – Ord 10-156
Amended February 23, 2011 - Ord 11-024
Amended June 29, 2011 – Ord. 11-071
Amended June 27, 2012 – Ord. 12-083
Proposed 9/24/13

**DIVISION OF CITY PLANNING
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INTRODUCTION

NO CHANGE

I. *Boundary Description*

No change

II. *Redevelopment Plan Goals*

No change

III. *Parks and Greenspace Objectives*

No change

IV. *General Traffic Circulation and Parking Objectives*

No change

V. *Strategic Plan*

No change

VI. *Community Empowerment*

No change

VII. *Types of Proposed Redevelopment Actions*

No Change

VIII. *General Administrative Provisions*

No change

IX. General Design and Land Use Standards and Requirements

No change

X. Off-Street Parking And Loading Requirements

No change

XI. Land Use Zones And Specific Land Use Provisions

A. No Change

B. No Change

C. No Change

D. Mixed Use – A

*Residential and Neighborhood Retail
(Communipaw and Pacific Avenues Area)*

The zone shall encompass all lands that are contained within the following: All tax lots on the north side of Communipaw Avenue that abut Communipaw Avenue at the time of adoption of this Plan between Manning Avenue and Monitor Street, and all tax lots on south side of Communipaw Avenue that abut Communipaw Avenue at the time of adoption of this redevelopment plan between Woodward Street and Pine Street with the exception of Block 20201 Lots 29, 30, 31, 32, 33, 34, and 35 which shall be in the Residential zone. All tax lots on the south side of Pacific Avenue between Communipaw Avenue and Maple Street that abut Pacific Avenue at the time of adoption of this Plan. The additional tax lots on Pacific Avenue of: Block 20004, Lots 16, 17, 18, 19, and 20. On Johnston Avenue, the additional tax lots of: Block 19002 Lot 1. The north side of Communipaw Avenue between Woodward and Manning Avenue may be developed as Mixed Use A or Residential; however the block can only be developed as one or the other as a whole.

Purpose: A locus of the historic Lafayette community, this area provides shops, services, homes, and a vibrant pedestrian streetscape. This existing pattern of mixed uses and other positive elements shall be protected and encouraged by this Plan. A future historic district may serve to provide even greater conservation of this area, and further study of the area from an historic preservation perspective is duly warranted.

1. Permitted Principal Use

- a. Artist studio workspace
- b. Community Facility
- c. Day Care Center
- d. Funeral Parlor

- e. Health Care Facility. Prohibited: Health Care Facility that provides any type of residential accommodation.
- f. House of Worship
- g. *Neighborhood Retail sales of goods and services, except for drive-through pick-up windows and liquor stores*
- h. Office
- i. Commercial Parking
- j. Residential (above the first floor)
- k. Residential on the first floor, on a parcel that was occupied by a structure with a first floor residential use at the time of adoption of this Plan or on the ground floor in the rear of the building, provided the building depth is 80 feet or greater, and that retail is maintained along all street frontages averaging 30 feet deep into the building.
- m. Restaurants, category 1 and 2
- n. Combination of any of the above
- o. Park
- q. Public Utilities, except that natural gas transmission lines shall be prohibited

2. Accessory use

- a. Parking.

3. Design Standards and Requirements – refer to Section VII

4. Area, yard and bulk requirements

- a. All existing lots of record at the time of the adoption of this Plan are considered conforming. After the adoption of this plan, the minimum lot size in this district shall be 2,500 square feet, with a minimum lot width of twenty five 25 feet, for any lots that are to be subdivided.
- b. Minimum yards
 - (1) Front Yard – shall be determined by prevailing setbacks, but no front yard shall exceed 10 feet. (Block 2000, Lot 16 must maintain a setback of five feet to match the residential setback)
 - (2) Side Yards – 0 feet
 - (3) Rear Yards – 15 feet, 0 feet for corner lots
- c. Maximum height shall not exceed 45 feet, except for steeples on houses of worship, and provided that no deviation from this height limit will be cognizable by the Planning Board.

E. Mixed Use - B

*Neighborhood Retail and Residential
(Grand Street North Side)*

The zone shall encompass all lands contained within the following boundary description: Beginning at the point of intersection of the centerlines of Fairmount Avenue and Grand Street; thence northwesterly along the centerline of Fairmount Avenue until it intersects the extended northwestern lot line of Lot 16 Block 15401; thence proceeding westerly along said NW lot line of Lot 16 Block 15401 until it intersects the northerly lot line of Lot 18, Block 15401; thence following a line extending the said lot line of Lot 18, Block 15401 westerly across the southern portions of Lots 19, 20, 21, and 22 of Block 15401

across Johnston Avenue and a southeastern portion of Block 15402 to a point of intersection with the NE corner of Lot 13, Block 15403; thence westerly along the northern lot line of lot 12 to its intersection with Lot 11; thence in a southwesterly direction along the easterly line of Lot 11 to its intersection with lot 15; thence at an angle extending the said northern lot line of lot 12 westerly across the southern portions of lots 16, 17, and 18, Block 15403 and State Street until its point of intersection with NE corner of lot 3, Block 17205; thence southwesterly along the northwesterly lot lines of lots 3 and 4, Block 17205 until it intersects the south westerly lot line of lot 4; thence southeasterly along said SW lot line of lot 4 and extended until its intersection with the centerline of Grand Street; thence easterly along the centerline of Grand Street until it intersects the centerline of Fairmount Avenue, the POINT AND PLACE OF BEGINNING.

Purpose: To provide shopping and restaurant facilities at a pedestrian scale for nearby residents, and workers from the neighboring Industrial - A zone. In addition, by placing these uses along Grand Street, a buffer of retail uses will be created between Grand Street and the Industrial - A zone. This strip will likely have less of a residential component than other mixed use residential and retail sections of this Plan. Nevertheless, appropriate residential uses are encouraged.

To avoid disrupting the flow of traffic, no curb cuts should be permitted along Grand Street. Instead, consideration should be given to constructing multiple user accessory parking lots that are accessible from the side streets of State Street, Bishop Street, or Johnston Avenue. However, all building facades should front Grand Street, and building sides that face the side streets should be aesthetically pleasing.

1. Permitted Principal Use

- a. Community Facility
- b. Day Care Center
- c. Health Care Facility (that does not provide any type of residential accommodation)
- d. ~~Neighborhood~~ Retail sales of goods and services, except for drive-through pick-up windows and liquor stores
- e. Office
- f. Commercial Parking
- g. Residential (above the first floor)
- h. Combination of the above, subject to approval by the planning board
- i. Public Utilities, except that natural gas transmission lines shall be prohibited

2. Accessory use

- a. Parking.

3. Design Standards

- a. Buildings should front on Grand Street. All parking shall be located to the side or rear of all buildings. Any parking that fronts on Grand Street must be screened with a low, brick-faced wall, black metal fence and evergreen hedge row, except for existing parking lots, which may continue as they exist.
- b. Free standing signs are not permitted. See signage standards, Section VII.

- c. All mixed use buildings should be multi-story, with the retail, community facility and/or day care use on the ground floor and the residential and/or office use above.
- d. Only masonry materials may be used for exterior cladding, except in the event of an overhang. Brick shall be the predominant material used for any façade visible from Grand Street, except for the existing gas station which, should it be rehabilitated, may utilize other materials, subject to Planning Board acceptance that such materials are commonly used and associated with the particular brand in service.
- e. All lots shall contain at least 15 % landscaped area, of which at least one-third shall be in the front (Grand St) half of the lot.

4. Area, yard and bulk requirements

- a. Maximum height: 4 stories
- b. Minimum Lot size: 20,000 sf
- c. Minimum Yards
 - (1) front yard: 0 feet
 - (2) Side Yard: 10 feet
 - (3) rear yard: 10 feet

F. Mixed Use - C

*Residential and Neighborhood Retail
(The Junction)*

The zone shall encompass all lands contained within Block 17202.

Purpose: As a gateway to the Lafayette community, design considerations are a priority. However, planning for redevelopment of the block is challenged by the limited land area and the high volume of surrounding vehicular traffic. The purpose of the district shall be to preserve the historic character of the block by strengthening the remaining buildings, and constructing infill residential and commercial mixed uses of a scale and style that are appropriate to the remaining structures. A gateway park that contains a sculpture and landscaping may also be appropriate at the intersection of Grand Street and Communipaw Avenue. Should a building be constructed here, façade design should incorporate the idea of a gateway.

The slope of the land may be used to provide rear access, below grade, carport style parking for a building that may be constructed on Block 17202 Lot 1, and adjacent parcels. Any such parking area should share street access with a parking area that serves the other parcels on the block, so that there is a single curb cut along Communipaw Avenue, and a single curb cut along Summit Avenue, for shared ingress and egress to all accessory and public parking within the block.

1. Permitted Principal Use

- a. Artist Studio Workspace
- b. Community Facility
- c. ~~Neighborhood~~ Retail *sales of goods and services, except for drive-through pick-up windows and liquor stores*
- d. Office
- e. Commercial Parking

- f. Residential
- g. Restaurant
- h. Combination of the above, subject to approval by the Planning Board
- i. Park
- j. Public Utilities, except that natural gas transmission lines shall be prohibited

2. Accessory use

- b. Parking.

3. Design Standards

- a. Please refer to Design Standards section VII

4. Area, yard and bulk requirements

- a. Due to the small size of the lots in this districts, there shall be no minimum lot size, provided, however, that no lot may be reduced in size from what exists at the time of the adoption of this Plan.
- b. Prevailing setbacks shall apply.
- c. Maximum height shall be three (3) stories.
- d. Maximum lot coverage shall be 85%.

G. No Change

H. Mixed Use – E Zone:

Neighborhood Retail and Residential
(Grand Street South Side)

This district shall encompass all lands contained within the following table of Blocks and Lots; however, NO land that contains or once contained the former Morris Canal shall be considered part of this district.

Purpose: To create a new residential neighborhood with small scale convenience and comparison shopping catering to neighborhood needs; and to provide small neighborhood oriented medical office buildings. Placement and design of all structures in the Mixed Use – E Zone shall have due consideration of the relationship to the historic buildings of the Whitlock Cordage Adaptive Reuse District, and to the former Morris Canal, which is adjacent.

1. Permitted Principal Use

- a. Community Facility
- b. Day Care Center
- c. Residential above the first floor (required west of Bishop Street except when the building is dedicated to medical offices)
- d. Medical Office Buildings
- e. Combination of the above, subject to approval by the Planning Board

- f. Public Utilities, except that natural gas transmission lines shall be prohibited

2. Accessory Use

- a. Parking.

3. Required Uses fronting on Grand Street and Garfield Avenue, West of Bishop Street

- a. Ground floor neighborhood retail *sales of goods and services, except for drive-through pick-up windows and liquor stores*, or
- b. Ground floor office Commercial, or
- c. Ground floor child care center
- d. Ground floor community facility
- e. Ground floor combination of one or more of the above

4. Development & Design Requirements

- a. The former Morris Canal land shall be developed as a park and/or circulation alley contemporaneous with the adjacent residential development. There shall also be a 30' wide alley constructed parallel to the canal open space park. Its minimum length shall be between Bishop Street and Westervelt Place in order to eliminate dead ends and provide a continual traffic loop.
- b. No curb cuts shall be permitted along Grand Street. Instead, four (4) new access streets shall be constructed. These shall include: Bishop street on the former R-O-W, extensions of State Street and Westervelt Place, and the new circulation alley as described above. All streets shall provide twenty-four hour (24), unobstructed access and be offered to the City for dedication.
- c. All building facades shall be treated as a front façade. Entrances shall be provided to all adjacent streets from ground floor units. In addition, placement and exterior design of structures should be done in such a way as to provide an aesthetically pleasing and historically compatible face to passersby within any park that may be developed atop or adjacent to the former Morris Canal.
- d. All parking shall be located below or partially below grade level and interior to the principal building. Exterior walls shall show no evidence of parking within. The only exception to this shall be for medical building parking which shall be permitted to be exterior surface parking but shall be located in the rear yard of the building and completely screened from view from adjacent lots and decoratively screened from any adjoining streets. Decorative metal fencing and a minimum of 5' planting strip shall be provided around the perimeter.
- e. All fencing and walls shall be brick-faced with black metal fence and evergreen hedge row.
- f. Free standing signs are not permitted. Signs shall be as regulated in Signage Standards, Section VII.
- g. Maximum residential height shall be five stories. Maximum medical office height shall four stories. Minimum Height for all uses shall be three (3) stories.

- h. Only masonry materials may be used for exterior cladding. Brick shall be the predominant material used for any façade.
 - i. Roof lines shall be generally flat. They may contain modified dormers and other architectural accents, upon review and approval of the Planning Board.
 - j. Residential Parking shall be encouraged to utilize the new on-street parking created by newly improved streets.
5. **Area, yard and bulk requirements**
- a. **Maximum Height**
 - (1) Except for Medical offices: 55 feet and five stories. 4 of the stories must be of the principal use. One story may be of an accessory use.
 - (2) Medical offices: 55 feet and 4 stories
 - b. Minimum lot area: 20,000 square feet
 - c. Minimum front yard: 0 feet
 - d. Minimum side yard: 0 feet
 - e. Minimum rear yard: 10 feet
 - f. Maximum density: 80 units per acre east of Bishop St., 65 units per acre West of Bishop St.
 - g. Minimum sidewalk width: 15 feet along Grand Street, 10 feet on side streets

6. **Parking**

For residential uses within the Mixed Use – E District, on-street parallel parking on new streets may be counted toward parking compliance. The parking requirement shall be as follows: 1 space per residential dwelling unit.

I. Rail Transportation Corridor

The zone shall encompass all lands as follows: Block 19903 Lots 11, 23, and 24; Block 21503 Lot 1; Block 19903 Lot 10; Block 21501 Lot 1; Block 15802, Lots 5, 8 and 19; Block 15801, Lot 1. In addition, all tax lots that are contained within an area described by a line that follows the centerlines of Johnston Avenue, Gateway Drive, the New Jersey Turnpike Extension, and the extended centerline of Communipaw Avenue, plus all tax lots that are between Block 15801, Lot 1, the centerline of Johnston Avenue, the centerline of the New Jersey Turnpike Extension, and the extended centerline of Whiton Street, plus all tax lots that are between the extended centerline of Communipaw Avenue, the centerline of the New Jersey Turnpike Extension, the extended south-southwesterly block limit of Block 21503, and the extended block limit of Block 21503 in the direction it extends in its first one-hundred (100) feet south of Communipaw Avenue.

Purpose: It is appropriate to plan for additional stops along the LRT line that join with facilities that provide services to the nearby residents and workers who will utilize the stops. A cluster of small scale neighborhood retail with a newsstand, florist and small restaurant or café can be a desirable amenity to a neighborhood LRT stop. In addition, the planned narrow walkway that provides pedestrian access to the LRT stop will provide a convenient and pleasant route for residents to walk or bicycle to the various LRT stations in the area.

1. Permitted Principal Use

- a. Light Rail Right of Way
- b. Light Rail Station or Stop
- c. ~~Neighborhood~~ Retail sales of goods and services, except for drive-through pick-up windows and liquor stores
- d. Other Rail Right of Way
- e. Park
- f. Walkway and Bikeway
- g. Public Utilities, except that natural gas transmission lines shall be prohibited

2. Accessory use

- a. Outdoor seating.
 - b. Parking.
3. Please refer to Design standards, Section VII for design requirements.
4. Please refer to Mixed Use – A district for area, yard and bulk requirements. The LRT ROW shall be considered the same as the street for all design, area, yard, bulk and screening requirements.
5. Structures on sites that are adjacent to planned LRT stops should provide public pedestrian access from the LRT stop to the building entrance.

J. No Change

K. No Change

L. NO CHANGE

M. ADAPTIVE REUSE OVERLAY ZONES

To provide options for property owners of certain significant and appropriate structures, and/or certain outmoded institutional and industrial structures, that existed at the time of adoption of this redevelopment plan to have greater flexibility in use than would be permitted by the underlying residential, retail or industrial district. Adaptive Reuse Overlay - Zone A and Adaptive Reuse Overlay - Zone D consists of certain properties that are contained within the Plan Residential zone. Adaptive Reuse Overlay - Zone B consists of a property that crosses the boundary between an Industrial zone and Mixed Use - B zone (Neighborhood Retail and Residential). Adaptive Reuse Overlay - Zone C consists of a property that exists within an Industrial zone, but is on the cusp of an adjacent R-2 zone that is outside the Plan Area, and is across the street from parcels that are planned for parkland by this Plan.

The Adaptive Reuse Overlay Zones shall be in addition to, and not supersede, the underlying zoning categories. Furthermore, the Adaptive Reuse Overlay Zone shall apply only to those structures that existed at the time of adoption of this Plan, as listed within each Overlay Zone category of this Plan, or new construction on vacant land within the

Overlay Zones which permit new construction as outlined elsewhere in this section. Should said structures be demolished, or the exterior be significantly altered, except in compliance with the requirements of this section, the subject parcel shall no longer be considered part of an Adaptive Reuse Overlay Zone, and the underlying Plan zoning requirements shall be in effect.

1. Design Standards

- a. For the adaptation, rehabilitation, and/or reuse of existing buildings (existing lower portions, not including any permitted vertical additions), the design standards contained within the Section VII for this district shall apply. Existing buildings shall implement rehabilitation that restores the building's exterior façade to its original profile to the extent possible within reasonable engineering methods and cost. Restoration of original window and door openings is encouraged to the extent feasible.
- b. For new construction as a vertical addition on top of existing buildings, the following shall apply:
 - (1) Vertical additions are only permitted on flat-roof buildings, and buildings free of decorative elements (such as domes, cupolas, cones, belvederes, towers, turrets, etc.)
 - i. Vertical additions shall not be made to replicate the original building in materials or color. Additions shall be primarily of glass and steel with other modern material details. Glazing on additions must be a minimum of 85%.
 - ii. All buildings shall incorporate flat roofs, except where existing roofs are sloped, gabled, or turreted or otherwise decoratively treated, in which case they shall remain.
 - (a) Roofs may contain HVAC equipment, provided however, that the equipment must be enclosed or screened. Constructed screening shall be executed in a matter that is sympathetic with the architecture of the building, and shall not be visible from an elevation of five feet above the sidewalk on the opposite side of the public right-of-way.
 - (b) Roofs shall include open space for building residents. Terraces, decked areas, seating areas, and landscaping should be included.
 - (2) Rehabilitated buildings shall include the following amenities:
 - i. Laundry facilities. A minimum of one (1) washer and dryer for every ten (10) units with a minimum of one (1) washer and dryer on each residential floor must be provided; OR a washer and dryer in each residential unit.
 - ii. Bicycle storage. An appropriately sized bicycle storage room or locker area must be situated on the first floor or garage of all rehabilitated buildings.

2. Area, yard and bulk standards

- a. The adaptive re-use of these properties shall exempt the property from all area, yard and bulk requirements, provided that the lot size is not reduced from that which existed at the time of the adoption of this Plan; that the coverage is not increased by more than 5%; and that the height is not increased by more than two stories or penthouse floors or a single floor with a mezzanine, either not to

exceed 20 feet, unless the specific Overlay Zone allows new construction within the zone.

3. List of Adaptive Reuse Overlay Zones and Permitted Uses:

a. Adaptive Reuse Overlay – Zone A

Block	Lot	Address
15802	37	68 Monitor Street
19902	9 and 10	279 Pine Street
17503	1	125 Monitor Street

(1) Permitted Principal Use

- (a) Artist studio workspace
- (b) Banquet or Catering Facility
- (c) Community Facility
- (d) Indoor Recreational Facility
- (e) Residential
- (f) Restaurants/Cafés: sit-down only
- (g) Senior Residential Facility
- (h) Combination of the above, subject to approval by the Planning Board
- (i) Work/live craftsperson studio is permitted for 68 Monitor Street only
- (j) Public Utilities, except that natural gas transmission lines shall be prohibited
- (k) New Construction of residential buildings in a townhouse style shall be permitted on the southern portion of Block 17503 provided that the total unit count on Block 17503 does not exceed 180 dwelling units and subject to the following criteria:
 - 1. A total of fourteen (14) townhouses shall be permitted, with one (1) unit fronting on Monitor Street, eight (8) units on fronting on Johnston Avenue, and five (5) units fronting on Pine Street.
 - 2. The depth of each townhouse shall be at least 30 feet, but not more than 40 feet.
 - 3. The width of each townhouse shall be at least 20 feet, but not more than 32 feet.
 - 4. The foot print area of each townhouse style unit shall be at least 750 square feet and the minimum unit size for each dwelling unit shall be at least 2,250 square feet.
 - 5. Maximum Height – 3 & ½ stories and 45 feet.
 - 6. Density – Not more than 14 townhouse type dwelling units shall be constructed along the combined frontages of Monitor Street, Johnston Avenue and Pine Street, and the total unit count on Block 17503 shall not exceed 180 units.

(2) Accessory use

- (a) Off-street parking- One parking space for each dwelling unit for Block 17503. Basement level parking shall be exempt from all

setback requirements. Underground parking shall not count as coverage.

(b) Home occupations

b. Adaptive Reuse Overlay – Zone B

Block	Lot	Address
15402	4	614-630 Grand Street

(1) Permitted Principal Use

- (a) Artist studio workspace
- (b) Banquet or Catering Facilities
- (c) Business Incubators
- (d) Light Industrial
- (e) ~~Neighborhood~~ Retail *sales of goods and services, except for drive-through pick-up windows and liquor stores*
- (f) Offices
- (g) Restaurants/Cafés: category 1.
- (h) Combination of the above, subject to approval by the Planning Board
- (i) Public Utilities, except that natural gas transmission lines shall be prohibited

(2) Accessory use

- (a) Off-street parking

c. Adaptive Reuse Overlay – Zone C

Block	Lot	Address
17205	1 partial	26 Cornelison Avenue and State Street (for a depth of 195' east along State from Cornelison and 173' at the western lot line from Cornelison parallel to State.)

(1) Permitted Principal Use

- (a) Residential
- (b) Community Facility
- (c) Senior Residential Facility
- (d) Office
- (e) Incubator
- (f) Light Industrial
- (g) Public Utilities, except that natural gas transmission lines shall be prohibited
- (h) Combination as follows:
 - (1) Any combination of (a) Residential, (b) Community Facility, and (c) Senior Residential Facility; OR

(2) Any combination of (d) Office, (e) Incubator, and (f) Light Industrial.

(2) Accessory use

(a) Off-street parking.

(3) Prohibited Uses

(a) Narcotic and drug abuse treatment center.

(4) Parking Standards

(a) Residential – minimum 1 parking space per unit.

(b) Office – a minimum of one (1) parking space per 1,000 square feet of gross floor area; except that the first 5,000 square feet of any individual office shall be exempt from this standard.

d. Adaptive Reuse Overlay – Zone D

Block	Lot	Address
15802	25	300 Communipaw Avenue
15802	26	40 Monitor Street

(1) Permitted Principal Use

A. Ground (First) Floor and Floor Immediately Above

- (a) Artist studio workspace
- (b) Catering Facility
- (c) Community Facility
- (d) Health Club, maximum 5,000 square feet total floor area.
- (e) Residential
- (f) Restaurants, category 1 and 2
- (g) Work/live artist studio with up to 3 full time employees
- (h) Work/live craftsperson studio
- (i) home occupation with up to 5 full time employees
- (j) Office
- (k) Studios for Film Production and the Performing Arts
- (l) Public Utilities, except that natural gas transmission lines shall be prohibited

B. Upper Floors

- (a) Residential
- (b) Work/live artist studio

C. A combination of the above uses are permitted, subject to approval by the Planning Board.

D. Lot 26 in Block 15802 may only be used as open space and/or to provide a pedestrian entrance mews to the development on site.

(2) Accessory Uses

- A. Home Occupation
- B. Off-street parking
- C. Retail sales of goods and services, limited to the ground floor of the existing building fronting on Monitor Street, and only when operated as part of a Work/live artist or craftsperson studio and limited to art, craft or goods produced on site.
- D. Ancillary Storage Areas for residential units shall be required to be provided on the ground floor of the building for the storage of personal and household items, bicycles, etc.

(3) Parking Standards

- A. Office, retail and other commercial uses shall provide a minimum of one (1) parking space per 1,000 square feet of gross floor area; except that the first 5,000 square feet of any individual retail establishment shall be exempt from this standard.
- B. Residential – 0.5 parking spaces per unit.
- C. Recognizing the preexisting nature of the building within this district and the intent of this Plan to preserve this building in place and accommodate its redevelopment; the shared use of parking spaces between residential and commercial uses shall be permitted upon submittal of a parking management plan describing how the parking spaces will be assigned and upon Site Plan review and approval of the Planning Board.

(4) Additional Design Standards

- A. In addition to the Design Standards contained within Section -VII, which apply to all Adaptive Reuse Overlay Zones, the building located at 300 Communipaw Avenue shall maintain the existing entrance located along Communipaw Avenue as a functional means of ingress and egress to at least the first floor (i.e. the floor above the ground floor) of the building. The appearance of this entrance as a “Main Entrance” to the building and focal point in the Communipaw Avenue façade shall be maintained. The design of this entrance shall be in keeping with the architectural style and character of the building.

e. Adaptive Reuse Overlay – Zone E

Block	Lot	Address
20005	3	305 Whiton Street

(1) Permitted Principal Use

- (a) Residential

(2) Accessory Uses

- A. Parking

- B. Patio & Landscaping
- C. Fences and Walls

XII. Design and Sign Standards

No Change

XIII. ACQUISITION

No Change

XIV Other Provisions to Meet State and Local Requirements

No Change

XIV. Procedure for Amending the Plan

No Change

Department of Housing, Economic Development & Commerce
Division of City Planning



Inter-Office Memorandum

DATE: September 5, 2013

TO: Rolando R. Lavarro, Jr. Council President
Members of the Municipal Council

CC: John Thieroff, Deputy Mayor
Jeremy Farrell, Law Dept.
Anthony Cruz, Director, HEDC
Bob Cotter, Director, Division of City Planning

FROM: Kristin J. Russell, PP, AICP

SUBJECT: Morris Canal Redevelopment Plan Amendments

In early 2013, the City adopted a city-wide glossary for Planning and Development Definitions. As part of that adoption, any individual redevelopment plan which included its own glossary was amended to have that language stricken.

Morris Canal Redevelopment Plan was one such Plan that had the glossary removed. It has been brought to our attention, however, that in so doing a "permitted/prohibited use" was removed as a result.

Specifically, the Morris Canal Plan prohibited liquor stores through language located in the definitions section of the Plan. At this time, we are seeking to amend the plan to add the language back in to the use categories. It is the wish of the community to retain this prohibition, and it was never intended to be removed.

RECEIVED
2013 SEP - 6 P 1:16
CITY CLERK'S OFFICE
JERSEY CITY, N.J.

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



ORDINANCE NO. Ord. 13.103
 TITLE: 3.D SEP 25 2013 4.D OCT 09 2013

Ordinance of the Municipal Council of the City of Jersey
 City adopting amendments to the Morris Canal
 Redevelopment Plan to prohibit liquor stores.

RECORD OF COUNCIL VOTE ON INTRODUCTION											
SEP 25 2013 <u>9-0</u>											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
OCT 09 2013											
Councilperson <u>Lavarro</u> moved, seconded by Councilperson <u>Coleman</u> to close P.H. <u>9-0</u>											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

Jayson Burg
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				WATTERMAN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE											
OCT 09 2013 <u>9-0</u>											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

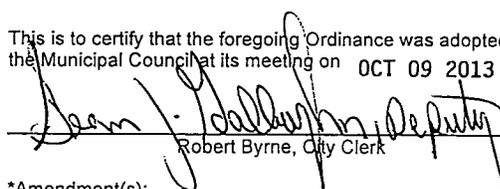
✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on SEP 25 2013

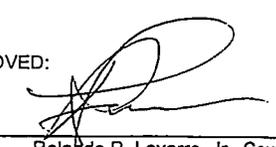
Adopted on second and final reading after hearing on OCT 09 2013

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on OCT 09 2013

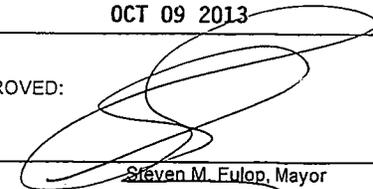

 Robert Byrne, City Clerk

*Amendment(s):

APPROVED:


 Rolando R. Lavarro, Jr., Council President
 Date OCT 09 2013

APPROVED:


 Steven M. Fulop, Mayor
 Date OCT 15 2013
OCT 10 2013
 Date to Mayor

City Clerk File No. Ord. 13.104

Agenda No. 3.E 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 13.104
AN ORDINANCE SUPPLEMENTING CHAPTER 332(VEHICLES AND TRAFFIC)
TITLE: ARTICLE III(PARKING, STANDING AND STOPPING) OF THE JERSEY CITY
CODE AMENDING SECTION 332-24(PARKING PROHIBITED CERTAIN
HOURS) DESIGNATING NO PARKING 7:00 A.M. TO 9:00 A.M. AND 2:00 P.M.
TO 4:00 P.M., SCHOOL DAYS, ON THE SOUTH SIDE OF YORK STREET IN
THE VICINITY OF THE ENTRANCE TO OUR LADY OF CZESTOCHOWA
GRAMMAR SCHOOL

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

1. Chapter 332 (Vehicles and Traffic) Article III (Parking, Standing and Stopping) of the Jersey City Code is hereby supplemented as follows:

Section 332-24 PARKING PROHIBITED CERTAIN HOURS
No person shall park a vehicle between the hours specified upon any of the streets or parts thereof listed below.

Name of Street	Side	Days of Week	Hours	Limits
<u>York St</u>	<u>South</u>	<u>School Days</u>	<u>7:00 a.m. to 9:00 a.m.</u> <u>2:00 p.m. to 4:00 p.m.</u>	<u>35 east of Marin Blvd and extend 50 feet east</u>

- All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- This ordinance shall be a part of the Jersey City Code as though codified and incorporated in the official copies of the Jersey City Code.
- The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

NOTE: All material to be inserted is new and underscored.

SH:pc1
(09.09.13)

APPROVED AS TO LEGAL FORM

Corporation Counsel

Certification Required

Not Required

APPROVED: Stanley Shwartz
Acting Director
Engineering, Traffic and Transportation

APPROVED: [Signature] 9-9-13
Director, Dept. of Public Works

APPROVED: [Signature]
Business Administrator

FACT SHEET

This summary sheet is to be attached to the front of any ordinance, resolution, cooperation agreement or contract that is submitted for Council consideration. Incomplete or sketchy summary sheets will be returned with the resolution or ordinance. The Department, Division or Agency responsible for the overall implementation of the proposed project or program should provide a concise and accurate statement of facts.

1. Full title of ordinance/resolution/cooperation agreement:

AN ORDINANCE SUPPLEMENTING CHAPTER 332(VEHICLES AND TRAFFIC) ARTICLE III(PARKING, STANDING AND STOPPING) OF THE JERSEY CITY CODE AMENDING SECTION 332-24(PARKING PROHIBITED CERTAIN HOURS) DESIGNATING NO PARKING 7:00 A.M. TO 9:00 A.M. AND 2:00 P.M. TO 4:00 P.M., SCHOOL DAYS, ON THE SOUTH SIDE OF YORK STREET IN THE VICINITY OF THE ENTRANCE TO OUR LADY OF CZESTOCHOWA GRAMMAR SCHOOL

2. Name and title of person initiating the ordinance/resolution, etc.:

Lee D. Klein, P.E., PTOE, Assistant City Engineer, Division of Engineering, Traffic and Transportation, Department of Public Works, 201.547.4470 at the request of Anna Mae Stefanelli, Principal, on behalf of OLC School, 248 Marin Blvd, JCNJ 07302

3. Concise description of program, project or plan proposed in the ordinance/resolution:

Designate "no parking" 7 a.m. to 9 a.m. and 2 p.m. to 4 p.m., School Days on the south side of York Street beginning 35 feet east of Marin Blvd and extending 50 feet easterly.

4. Reasons (need) for the proposed program, project, etc.:

Clear the entrance to OLC Grammar School located on York St to facilitate the drop-off and pick-up of students attending the school.

5. Anticipated benefits to the community:

Increased traffic and pedestrian safety on York St. Keep motorists from double parking their vehicles while dropping off or picking up their children attending the school.

6. Cost of proposed program, project, etc. (Indicate the dollar amount of City, state, and Federal Funds to be used, as well as match and in-kind contribution:

Approximately \$100.00 per u-post and sign installation.
Two (2) signs and one (1) u-post are needed at a total cost of \$300.00

7. Date proposed program, or project will commence:

Pending adoption by the Jersey City Municipal Council

8. Anticipated completion date:

Twenty days after adoption by the Jersey City Municipal Council

9. Person responsible for coordinating proposed program, project, etc.:

Patricia Logan, Supervising Traffic Investigator, Division of Engineering, Traffic and Transportation, Department of Public Works, 201.547.4492

10. Additional comments:

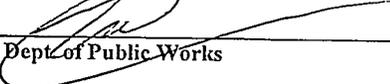
Based on the information provided to me, I certify that all the facts presented herein are accurate, to the best of my knowledge.



Acting Director, Engineering, Traffic and Transportation

9/9/13

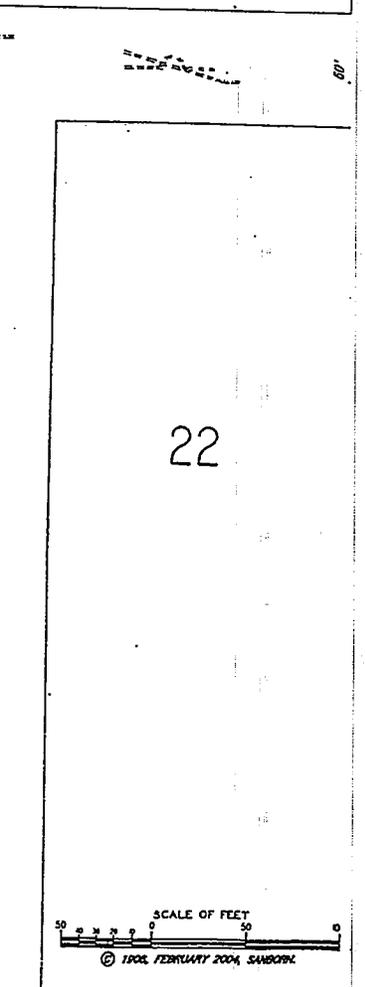
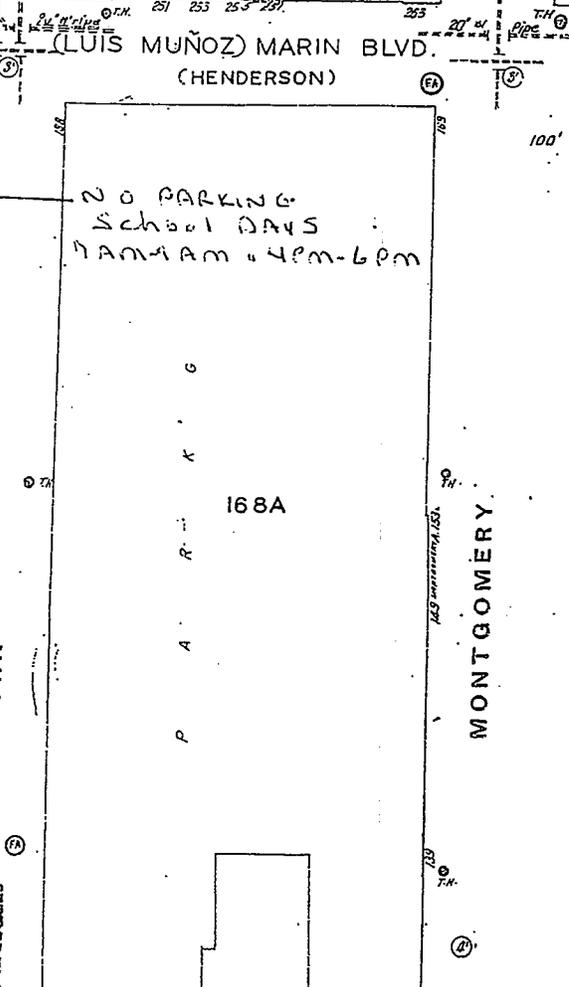
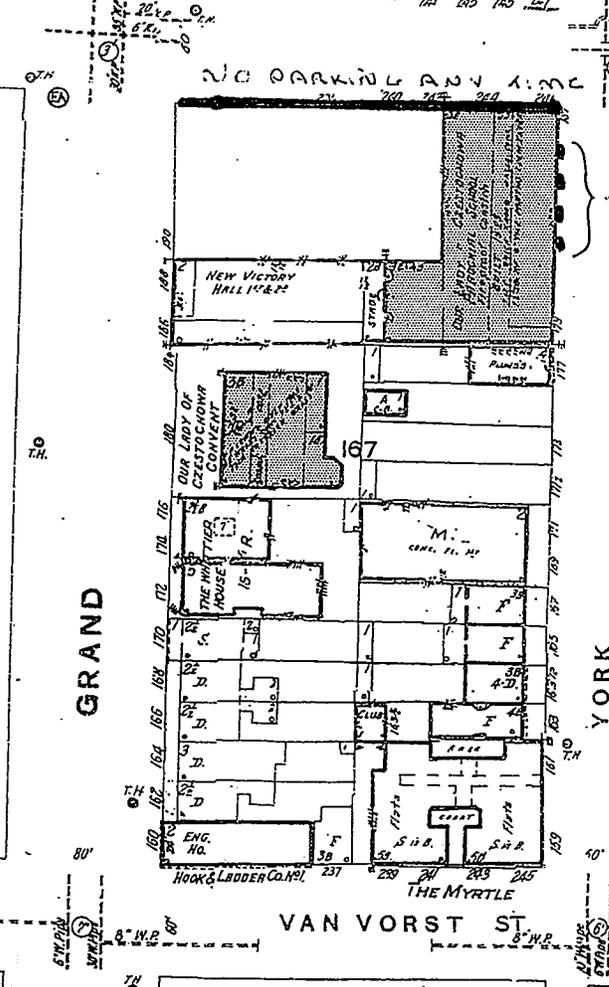
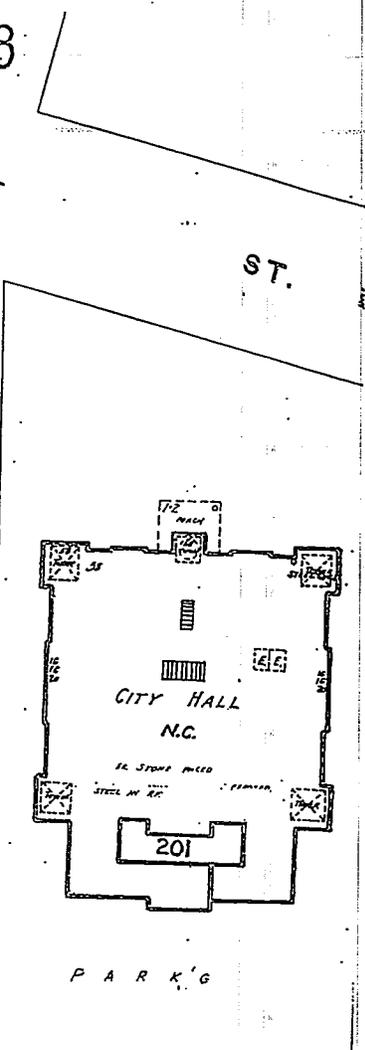
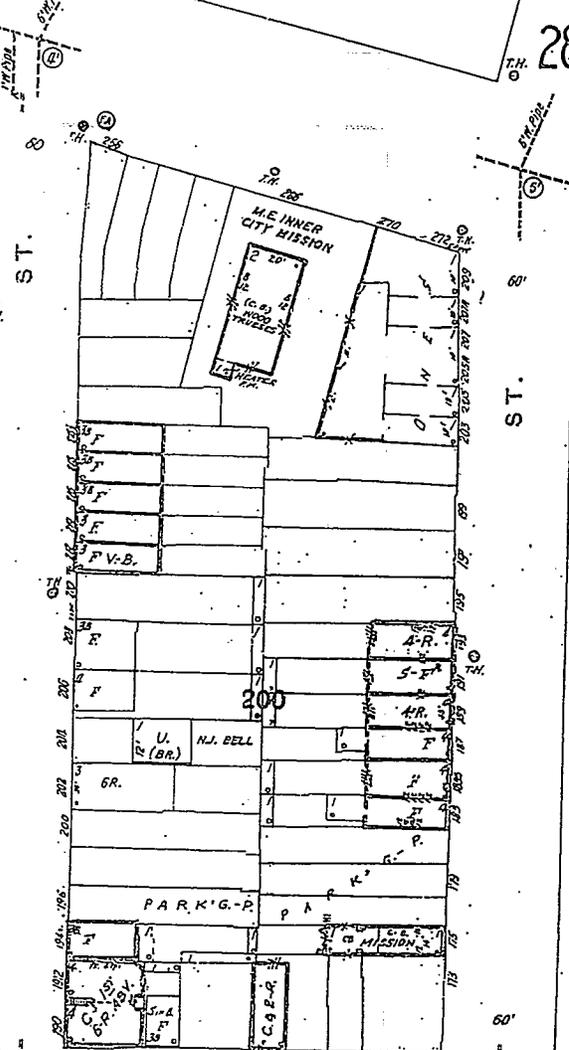
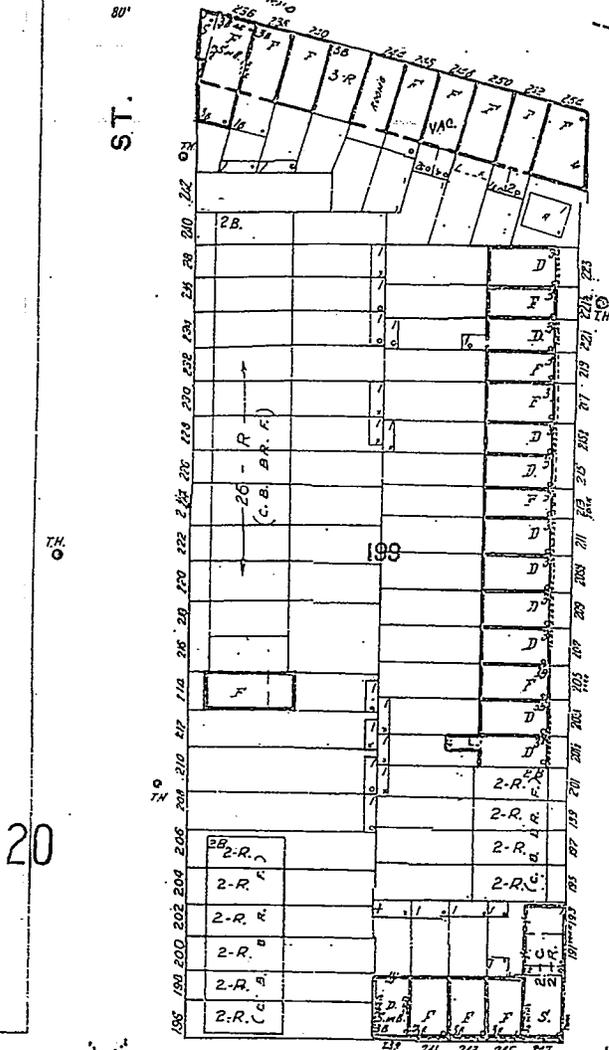
Date



Director, Dept of Public Works

9-9-13

Date



SCALE OF FEET
 © 1904 FEBRUARY 2004 SANSBORN

CITY OF JERSEY CITY
DEPARTMENT OF PUBLIC WORKS
Division of Engineering, Traffic and Transportation
MEMORANDUM

DATE: September 17, 2012
TO: Robert Kakoleski, Acting Business Administrator
FROM: Patricia Logan, Supervising Traffic Investigator
SUBJECT: PROPOSED ORDINANCE
YORK STREET – NO PARKING CERTAIN HOURS

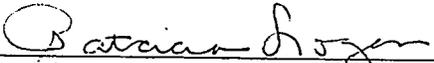
At the request of Anna Mae Stefanelli, Principal of Our Lady of Czestochowa School, attached for your review and signature is an Ordinance proposed by this Division, supplementing Chapter 332(Vehicles and Traffic) of the Jersey City Code.

The proposed legislation designates 50 feet of no parking, 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m., school days, on the south side of York Street at the entrance to the school. This area will be used to drop-off and pick-up students attending the school and keep parents from double parking their vehicles along York Street.

It is anticipated that this Ordinance will be on the Agenda for the September 25, 2013 Municipal Council meeting.

If you have any questions, feel free to contact Daniella Gordon, Traffic Analyst at extension 5021.

Thank you.


Patricia Logan, Supervising Traffic Investigator


Lee D. Klein, P.E., PTOE, Asst. City Engineer

C: Stanley Huang, P.E., Acting Director, Engineering, Traffic and Transportation
Brian Weller, LLA, ASLA, Director, Architecture
Robert Byrne, City Clerk
Michael Razzoli, Director, DPW

CITY OF JERSEY CITY
DEPARTMENT OF PUBLIC WORKS
Division of Engineering, Traffic and Transportation
MEMORANDUM

DATE: September 9, 2013
TO: Director Michael Razzoli, DPW
FROM: Patricia Logan, Supervising Traffic Investigator
**SUBJECT: PROPOSED ORDINANCE
YORK STREET – NO PARKING CERTAIN HOURS**

At the request of Anna Mae Stefanelli, Principal of Our Lady of Czestochowa School, attached for your review and signature is an Ordinance proposed by this Division, supplementing Chapter 332(Vehicles and Traffic) of the Jersey City Code.

The proposed legislation designates 50 feet of no parking, 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m., school days, on the south side of York Street at the entrance to the school. This area will be used to drop-off and pick-up students attending the school and keep parents from double parking their vehicles along York Street.

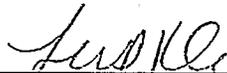
It is anticipated that this Ordinance will be on the Agenda for the September 25, 2013 Municipal Council.

If you have any questions, feel free to contact Daniella Gordon, Traffic Analyst, at extension 5021.

Thank you.



Patricia Logan, Supervising Traffic Investigator



Lee D. Klein, P.E., PTOE, Asst. City Engineer

C: Stanley Huang, Acting Director, Engineering, Traffic and Transportation
Brian Weller, LLA, ASLA, Director, Architecture
Robert Kakoleski, Assistant Business Administrator
Robert Byrne, City Clerk

CITY OF JERSEY CITY
Department of Public Works
Division of Engineering, Traffic and Transportation
MEMORANDUM

DATE: September 9, 2013

TO: City Clerk Robert Byrne
Councilwoman Candice Osborne

FROM: Patricia Logan, Supervising Traffic Investigator

SUBJECT: PROPOSED ORDINANCE
YORK STREET – NO PARKING CERTAIN HOURS

At the request of Anna Mae Stefanelli, Principal of Our Lady of Czestochowa School, attached for your review is a copy of an Ordinance proposed by this Division, supplementing Chapter 332(Vehicles and Traffic) of the Jersey City Code.

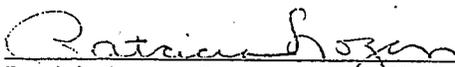
The proposed legislation designates 50 feet of no parking, 7:00 a.m. to 9:00 a.m. and 2:00 p.m. to 4:00 p.m., school days, on the south side of York Street at the entrance to the school. This area will be used to drop-off and pick-up students attending the school and keep parents from double parking their vehicles along York Street.

The proposed legislation has been forwarded to the Acting Business Administrator for his review and signature.

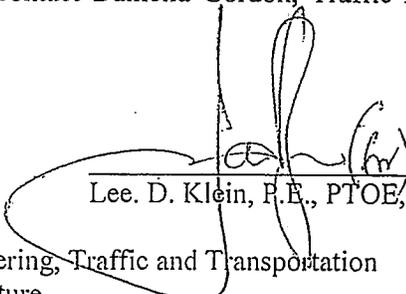
It has been requested that this legislation be on the Agenda for the September 25, 2013 Municipal Council Meeting.

If you have any questions feel free to contact Daniella Gordon, Traffic Analyst, @ extension 5021.

Thank you.



Patricia Logan, Supervising Traffic Investigator



Lee. D. Klein, P.E., PTOE, Asst. City Engineer

C: Stanley Huang, P.E., Acting Director, Engineering, Traffic and Transportation
Brian Weller, LLA, ASLA, Director, Architecture
Robert Kakoleski, Acting Business Administrator ✓
Muhammed Akil, Chief of Staff
Director Michael Razzoli, DPW
Mary Spinello-Paretti, CEO, J.C.P.A.
Council President LaVarro, Jr. Councilwoman Watterman Councilman Rivera
Councilman Gajewski Councilman Ramchal Councilman Boggiano
Councilman Yun Councilwoman Coleman

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



ORDINANCE NO. Ord. 13.104
 TITLE: J.E SEP 25 2013 4.E OCT 09 2013

An ordinance supplementing Chapter 332 (Vehicles and Traffic) Article III (Parking, Standing and Stopping) of the Jersey City Code amending Section 332-24 (Parking Prohibited Certain Hours) designating No Parking 7:00 a.m. to 9:00 a.m. and 2:00 p.m. to 4:00 p.m., school days, on the south side of York Street in the vicinity of the entrance to Our Lady of Czestochowa Grammar School.

RECORD OF COUNCIL VOTE ON INTRODUCTION											
SEP 25 2013 <u>9-0</u>											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
OCT 09 2013											
Councilperson <u>Lavarro</u> moved, seconded by Councilperson <u>Osborne</u> to close P.H. <u>9-0</u>											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

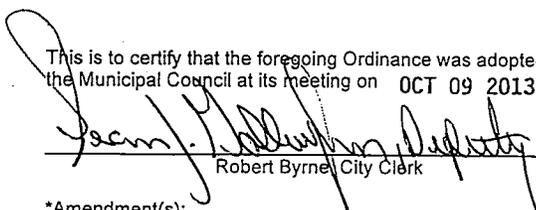
RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMAN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE											
OCT 09 2013 <u>9-0</u>											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

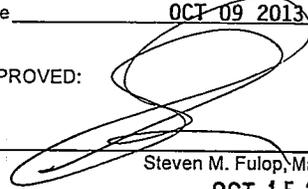
Adopted on first reading of the Council of Jersey City, N.J. on SEP 25 2013
 Adopted on second and final reading after hearing on OCT 09 2013

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on OCT 09 2013

 Robert Byrne, City Clerk

*Amendment(s):

APPROVED: 
 Rolando R. Lavarro, Jr., Council President

Date OCT 09 2013

APPROVED: 
 Steven M. Fulop, Mayor

Date OCT 15 2013

Date to Mayor OCT 10 2013

City Clerk File No. Ord. 13.106

Agenda No. 3.6 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 13.106

TITLE:

ORDINANCE AMENDING ORDINANCE 12-124 AUTHORIZING A FOURTH AMENDMENT TO THE CITY'S LEASE WITH JOURNAL SQUARE PLAZA URBAN RENEWAL ASSOCIATES FOR ONE JOURNAL SQUARE PLAZA, BLOCK 586.5, LOT PLOT .B TO AMEND THE CONSTRUCTION COSTS OF IMPROVEMENTS TO INCLUDE THE ARCHITECT FEES BY THE LANDLORD

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

WHEREAS, the City of Jersey City [City] needs office space for various Departments; and

WHEREAS, N.J.S.A. 40A:12-5 provides that a municipality may by ordinance authorize a lease of real property if it determines it is needed for municipal purposes; and

WHEREAS, Journal Square Plaza Urban Renewal Associates is the owner of Block 586.5, Lot Plot. B, more commonly known by the street address of One Journal Square Plaza (Property); and

WHEREAS, by the adoption of Ordinance 05-015, the City approved a lease with Journal Square Plaza Urban Renewal Associates [Landlord] for ten (10) years for approximately 28,202 square feet of space at the Property, consisting of the entire 2nd and 3rd floors of the Property; and

WHEREAS, the lease expires on May 31, 2015; and

WHEREAS, the rent for the space was \$21.25 per square foot or \$599,292.50 per year for the last five (5) years of the term of the lease; and

WHEREAS, by the adoption of Ordinance 06-008 the parties amended the lease, effective March 1, 2006, and increased the Premises by 3,200 square feet, located on the 4th floor; and

WHEREAS, by the adoption of Ordinance 12-076, the parties amended the lease, effective June 1, 2012, to add the remainder of the 4th floor, which increases the total leased premises consisting of all of the 2nd, 3rd and 4th floors of the property to 42,326 square feet; and

WHEREAS, the total annual rent for the entire 42,326 square feet, shall be \$787,456.50 each year; and

WHEREAS, in addition, the Landlord will construct improvements to the Premises for the benefit of the City provided the City pays for same as additional rent; and

WHEREAS, Resolution 12-124, adopted on October 10, 2012, authorized a third amendment to amend the lease to include as additional rent the constructions costs of improvements to be performed by Landlord; and

WHEREAS, the construction costs estimated at \$212,152.25, attached hereto as Exhibit A, did not include the architect fees for the contract plans, drawings and required permits for the improvements; and

ORDINANCE AMENDING ORDINANCE 12-076 AUTHORIZING A FOURTH AMENDMENT TO THE CITY'S LEASE WITH JOURNAL SQUARE PLAZA URBAN RENEWAL ASSOCIATES FOR ONE JOURNAL SQUARE PLAZA, BLOCK 586.5, LOT PLOT .B TO AMEND THE CONSTRUCTION COSTS OF IMPROVEMENTS TO INCLUDE ARCHITECT FEES BY THE LANDLORD AS ADDITIONAL RENT

WHEREAS, the estimated architect fees of \$19,500, attached hereto as Exhibit B, shall be part of the construction costs, payable to Landlord upon the completion of the improvements; and

WHEREAS, the architect fees have been reviewed by the City's Division of Architecture and determined to be reasonable and necessary for the use by the various Departments utilizing the Premises; and

WHEREAS, funds in the amount of \$19,500 for the architect fees are available in the Municipal rent Account No. 01-203-31-432-304 to pay, the cost of the within Ordinance.

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

1. The Mayor or Business Administrator is authorized to execute a Fourth Amendment to the Lease Agreement with Journal Square Plaza Urban Renewal Associates to amend the construction costs of improvements to the Premises estimated at \$212,152.25 to include architect fees estimated at \$19,500. The architect fees of \$19,500 shall be payable to the Landlord upon the completion of the improvements.
2. The Fourth Amendment to the Lease shall be in substantially the form attached, subject to such modifications as may be deemed necessary or appropriate by the Business Administrator or Corporation Counsel.
3. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.
4. This Ordinance shall be a 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.
5. This Ordinance shall take effect at the time and in the manner as provided by law.
6. The City Clerk and the 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*.

I hereby certify that there are sufficient funds available in Municipal Rent Account No. 01-203-31-432-304, P.O. # 107747 in the amount of \$19,500 for payment of this Ordinance.

Donna Mauer, Chief Financial Officer

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED: _____
APPROVED: _____
Business Administrator

Certification Required
Not Required

FOURTH AMENDMENT TO THE LEASE BETWEEN JOURNAL SQUARE PLAZA URBAN RENEWAL ASSOCIATES [LANDLORD] AND THE CITY OF JERSEY CITY [TENANT]

WHEREAS, by Lease Agreement dated March, 2005, [the Lease] Landlord leased certain Premises, including the entire second and third floors of the building and outside parking spaces commonly known as One Journal Square Plaza, Jersey City, New Jersey [the Premises] to Tenant; and

WHEREAS, the lease expires on May 31, 2015; and

WHEREAS, by the First Amendment to the Lease effective as of March 1, 2006, the Lease was amended so as to add a portion of the 4th floor of the Premises consisting of an additional 3,200 square feet of space, which increased the Tenant's Rent and share of Additional Rent, as more particularly set forth therein; and

WHEREAS, by the Second Amendment to the effective June 1, 2012, the Lease was amended to include the fourth floor, increasing the total leased premises by Tenant to 42,326 square feet and the annual rent to \$787,456.50; and

WHEREAS, in addition, the Landlord will construct improvements to the Premises for the benefit of Tenant provided Tenant pays for same as additional rent; and

WHEREAS, by the Third Amendment, the Lease was amended to include the total construction costs of improvements estimated at \$212,152.25, attached hereto as Exhibit A; and

WHEREAS, the construction cost estimate did not include the architect fees for the contract plans, drawings and required permits for the improvements; and

WHEREAS, the architect fees estimated at \$19,500 are itemized in the proposal dated June 18, 2012, attached hereto as Exhibit B; and

WHEREAS, the improvement costs of \$212,152.25 shall be modified to include the architect fees of \$19,500, for a total estimate of \$231,652.25, which shall be payable to Landlord upon the completion of the improvements; and

WHEREAS, the architect fees shall be paid from the Municipal rent Account No. 01-201-31-432-304 in the amount of \$19,500; and

NOW THEREFORE, in consideration of the covenants and conditions herein contained, the parties hereto agree as follows:

1. Commencing _____, 2013, the Lease is modified as follows:
 - (a) Landlord will construct improvements at the Premises for the benefit of

Tenant provided Tenant pays for same as additional rent; and

- (b) The renovations to be performed by Landlord at the Premises itemized in the proposal dated September 18, 2012 did not include the architect fees, attached hereto as Exhibit A; and
- (c) The construction costs of improvements shall be modified to include the architect fees of \$19,500, attached hereto as Exhibit B, for a total construction cost for improvements of \$231,652.25; and
- (d) Tenant shall reimburse Landlord for the architect fees estimated at \$19,500 and payable upon the completion of said improvements by Landlord.

- 2. This Fourth Amendment shall become effective only after execution hereof by both Landlord and Tenant.
- 3. Except as herein modified, all of the terms and conditions of the Lease and the First and Second Amendments to Lease shall remain in full force and effect.

WITNESS:

Landlord
Journal Square Plaza Urban Renewal Associates
By: JSQ REALTY, LLC, General Partner

By: _____
Joseph A. Panepinto, Managing Member

WITNESS:

Tenant
City of Jersey City

Robert Byrne
City Clerk

Robert J. Kakoleski
Acting Business Administrator

CITY OF JERSEY CITY
REAL ESTATE OFFICE
280 GROVE STREET
JERSEY CITY, NEW JERSEY 07302
(201) 547-5234 - FAX (201) 547-5711

October 16, 2012

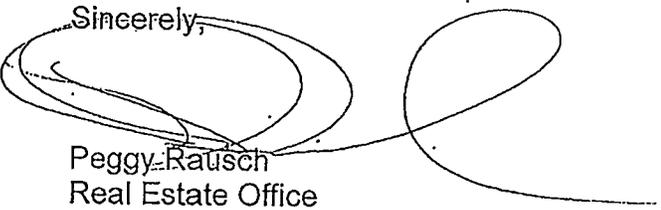
Journal Square Plaza Urban Renewal Asso.
Harborside Plaza 10, Suite 1203
Jersey City, New Jersey 07311
Attn: Aurelia

RE: ONE JOURNAL SQUARE

Dear Aurelia:

Attached please find a fully executed original Third Amendment to the Lease Agreement along with Ordinance # 12-124, for the 2nd, 3rd, and 4th floor at One Journal Square.

Sincerely,



Peggy Rausch
Real Estate Office

Attachments

cc: Hand Delivered
File

THIRD AMENDMENT TO THE LEASE BETWEEN JOURNAL SQUARE PLAZA URBAN RENEWAL ASSOCIATES [LANDLORD] AND THE CITY OF JERSEY CITY [TENANT]

WHEREAS, by Lease Agreement dated March, 2005, [the Lease] Landlord leased certain Premises, including the entire second and third floors of the building and outside parking spaces commonly known as One Journal Square Plaza, Jersey City, New Jersey [the Premises] to Tenant; and

WHEREAS, the lease expires on May 31, 2015; and

WHEREAS, by the First Amendment to the Lease effective as of March 1, 2006, the Lease was amended so as to add a portion of the 4th floor of the Premises consisting of an additional 3,200 square feet of space, which increased the Tenant's Rent and share of Additional Rent, as more particularly set forth therein; and

WHEREAS, by the Second Amendment to the effective June 1, 2012, the Lease was amended to include the fourth floor, increasing the total leased premises by Tenant to 42,326 square feet and the annual rent to \$787,456.50; and

WHEREAS, in addition, the Landlord will construct improvements to the Premises for the benefit of Tenant provided Tenant pays for same as additional rent; and

WHEREAS, the total construction costs are estimated at \$212,152.25* which shall be payable to Landlord upon the completion of the improvements; and

WHEREAS, the improvements shall be paid in part by the Jersey City Police Department in the amount of \$75,000 and by the City's Division of Real Estate in the amount of \$140,000; and

NOW THEREFORE, in consideration of the covenants and conditions herein contained, the parties hereto agree as follows:

1. Commencing June 1, 2012, the Lease is modified as follows:
 - (a) Landlord will construct improvements at the Premises for the benefit of Tenant provided Tenant pays for same as additional rent; and
 - (b) The renovations to be performed by Landlord at the Premises are itemized in the proposal dated September 18, 2012, attached hereto as Exhibit A; and
 - (c) Tenant shall reimburse Landlord for the costs of all improvements to the Premises estimated at \$212,152.25* and payable, upon the completion of said improvements by Landlord.
2. This Third Amendment shall become effective only after execution hereof by both

1
*Total construction costs of \$212,152.25 does not include architectural expense of \$19,500 (Exhibit "B" attached hereto) to be approved by separate Resolution

Landlord and Tenant.

3. Except as herein modified, all of the terms and conditions of the Lease and the First and Second Amendments to Lease shall remain in full force and effect.

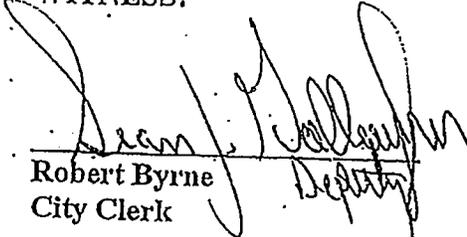
WITNESS:



Landlord
Journal Square Plaza Urban Renewal Associates
By: JSQ REALTY, LLC, General Partner

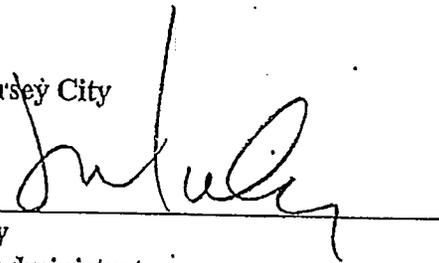
By: 
Joseph A. Panepinto, Managing Member

WITNESS:



Robert Byrne
City Clerk

Tenant
City of Jersey City



John Kelly
Business Administrator

September 18, 2012

Mr. Brian Weller

Page 4.

Furnish and install new rooftop exhaust fan with timer for the 3 new bathrooms. Includes all required piping for proper ventilation of the bathrooms. 4,450.00

Furnish and install in each bathroom 1 smoke detector, pull station and horn/strobe. 3,800.00

(As per Chief's request) Supply and install pre-finished hardwood flooring in both the Chief and Deputy Chief's office. 3,460.00

(As per Chief's request) Supply power and raceway for data company to install their jacks at 4 locations in the conference room. Requires drilling 5 holes through the conference room floor to the 3rd floor ceiling access and supply and install flush mount receptacles and data jacks in the conference room table. 3,250.00

Cost for 4 th Floor	\$153,250.00
15% Profit, Overhead & Insurance	22,987.50
Total Cost 4 th Fl	\$176,237.50

Note: Does not include any painting of walls or door frames. Also, most work will be done on Saturdays for safety reasons.

Total Cost for 2 nd , 3 rd & 4 th Floors	\$209,420.75
Permit Fees	<u>2,731.50*</u>
TOTAL:	<u>\$212,152.25</u>

*Permit fees based on construction costs of \$182,105.00.

Deposits in the amount of \$45,000.00 have already been received toward this job.

Note: The above construction estimate is based on the floor plan provided by the City of Jersey City for the 2nd and 3rd floors and LWDMR & Associates for the 4th floor. Any and all additional work requested by Tenant and/or required by the Jersey City Building Department, not specified in the attached plans, will be considered a "Change Order" and the cost of said "Change Order" will be submitted to Tenant and Landlord for approval prior to work commencing. The cost of any such "Change Order" will be in addition to the above Total Cost of Labor & Material of \$209,420.75 and will be billed separately.

Triple S Building & Electrical Service, LLC

98 East Pierrepont Avenue
Rutherford, New Jersey 07070
(201) 842-1695

September 18, 2012

Mr. Brian Weller
City of Jersey City
DPW, Division of Architecture
575 Route 440
Jersey City, New Jersey 07305

The following is the breakdown for the 2nd, 3rd & 4th floors at 1 Journal Square Plaza. This proposal reflects blueprint changes to the 4th floor work dated August 9, 2012 prepared by LWDMR & Associates. No Changes have been made to the May 26, 2012 blueprints for the 2nd and 3rd floors. All work related to the lobby has also been deleted from this proposal. A proposal for the roll down or sliding security gate in front of the police desk will be provided at a later date, if required.

2nd Floor

Demolition of the existing 12' wall and debris removal. (Already completed)
625.00

Constructed a 9' x 36' wall to the under-side of the suspended ceiling with 5/8" sheetrock and sound insulation. New wall had been taped but only first coat of spackle had been applied. (Already completed). Wall was not ready for paint. 4,890.00

Furnished and installed 1 - 3-0 x 6-8 solid core birch door with metal frame, lock and hardware. (Already completed).

860.00

Rough wiring has been done for 4 new receptacles and 1 new switch to separate existing light fixtures in Nydia Lopez' office. (Already completed). 1,250.00

Note: All work was done on a Saturday to avoid interference with people working in the area and for safety concerns.

Exhibit A

September 18, 2012

Mr. Brian Weller

Page 2.

Work needed to finish on 2nd floor: Finish coat of spackling on new wall. Installation of receptacles and switches. Cut and properly install ceiling tiles and vinyl base trim along new wall. (The cost of these items is included above)

Cost for 2 nd Floor	\$7,625.00
15% Profit, Overhead & Insurance	1,143.75
Total Cost 2 nd Fl	\$8,768.75

3rd Floor

Remove approximately 15' of base and top cabinets from the 3rd floor kitchen and debris removal.

675.00

Cap the existing plumbing pipes (hot & cold water and vent pipe).

350.00

Remove approximately 520 sq. ft. of ceramic tiles in the kitchen.

2,700.00

Patch floor where needed and supply & Install new carpeting to match Lori Disbrow's office.

2,350.00

Remove the double doors as per the new floor plan and construct new offices and record room for new layout. All new walls will be built to under-side of the ceiling with metal framing, 5/8" sheet rock, sound insulation and metal door frames. Walls will be prepped and ready for paint.

8,965.00

Supply and Install 4 solid core pre-finished birch doors with locks and hardware.

3,440.00

Install 7 new receptacles and 4 new light switches to separate existing light fixtures in the newly constructed rooms and offices.

2,750.00

Note: For safety reasons, most of the work will take place on Saturdays.

Cost for 3 rd Floor	\$21,230.00
15% Profit, Overhead & Insurance	3,184.50
Total Cost 3 rd Fl	\$24,414.50

September 18, 2012

Mr. Brian Weller

Page 3.

4th Floor

Demolition as per plan (Includes walls, ceilings, removal of carpeting, etc.).
9,600.00

Electrical work includes the wiring of 3 new bathrooms and all other areas within the new floor plan (disconnecting and removal of light fixtures, switches, receptacles and emergency / exit lights. Installation of new electrical wiring and fixtures as required).
17,250.00

Construction costs include labor & material as per plan including new walls, new ceiling (to match existing), installation of doors with frames, standard hardware including locks at new construction. (Note: Providing doors and hardware at existing walls is not included). Furnish and install new kitchen cabinets. Install sheetrock, tape and patch in new construction only. Install bathroom accessories, signs for 3 bathrooms and all related work to complete the job. Saturday work will be necessary.
43,915.00

Plumbing for 3 new bathrooms – 3 new toilets, 3 new sinks and (Chief's request) 1 shower area (all ADA fixtures). Plumbing for 2 bathrooms @ \$5,400.00, bathroom w/shower \$6,600.00).
17,400.00

Prep floor to receive new tiles in the 3 new bathrooms. Furnish and install new 8x8 ceramic floor tiles and 4" sanitary base. Includes labor & Material for the new shower in one of the bathrooms (as requested by the Chief). Floor tile installation for each of 2 bathrooms @\$1,475.00; bathroom w/ tiled shower area \$2,450.00.
5,400.00

Bathroom accessories for each bathroom: new mirrors, grab bars, toilet paper holders, soap dispensers and other related items. Garbage disposal cans not included. Cost per bathroom approximately \$935.00).
2,800.00

Connect new sink in 4th floor kitchen.
425.00

Supply and install medium grade carpet squares (in customer color choice) throughout the 4th floor.
32,000.00

Allowance for HVAC for 4th floor
9,500.00



140 Bay Street Suite 4
Jersey City NJ 07302
201 333 6017 / 5309 fax

224 North High Street
Millville NJ 08332
856 293 9554 / 1571 fax

lwdmr.com

June 18, 2012

Mr. Joe Dicristo
255 Warren Street
Jersey City, NJ, 07302

Re: JSQ Plaza 1 – Police Headquarters
Architectural / Engineering Services Proposal

Dear Joe:

We are pleased to present you with this fee proposal to provide professional architectural & Engineering services for the build-out/upgrades for the Police Headquarters at Journal Square Plaza 1..

PROJECT OVERVIEW:

Our architectural and engineering services will be based on the latest drawings prepared by the Jersey City Division of Architecture and include all code related work.

PROFESSIONAL FEES:

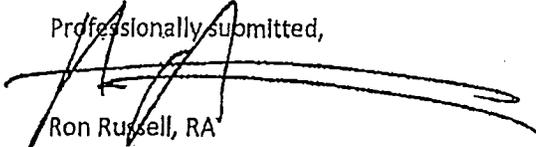
Our fees are as follows:

- Services to date include 4 meetings at 2 hours each, review of plans prepared by Div. of Arch., Preparation of written work scope for contractor - 8 hours at \$205 = \$2,050 (completed)
 - Architectural Permit and Contractors drawings – \$8,950
 - Engineering Permit and Contractors drawings – \$4,000
 - Building Dept Review – \$500
 - Limited Construction Period Services - \$3,500
- Total Fee = \$19,000
Reimbursables Allowance \$500
Total Fee = \$19,500

Services not included:

- Environmental services
- Structural Engineering
- Exterior work
- Presentation to governmental agencies

Professionally submitted,


Ron Russell, RA
LWDMR & Associates PC

ARCHITECTURE ■ ENGINEERING ■ URBAN DESIGN
LINDEMON WINCKELMANN DEUPREE MARTIN RUSSELL & ASSOCIATES PC

Exhibit B

City Clerk File No. Ord. 12-124
Agenda No. 3.B 1st Reading
Agenda No. 4.B 2nd Reading & Final Passage



ORDINANCE OF JERSEY CITY, N.J.

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

TITLE: CITY ORDINANCE 12-124
ORDINANCE AMENDING ORDINANCE 12-076 AUTHORIZING A THIRD AMENDMENT TO THE CITY'S LEASE WITH JOURNAL SQUARE PLAZA URBAN RENEWAL ASSOCIATES FOR ONE JOURNAL SQUARE PLAZA, BLOCK 586.5, LOT PLOT .B TO INCLUDE THE CONSTRUCTION OF IMPROVEMENTS BY THE LANDLORD AS ADDITIONAL RENT

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

WHEREAS, the City of Jersey City [City] needs office space for various Departments; and

WHEREAS, N.J.S.A. 40A:12-5 provides that a municipality may by ordinance authorize a lease of real property if it determines it is needed for municipal purposes; and

WHEREAS, Journal Square Plaza Urban Renewal Associates is the owner of Block 586.5, Lot Plot .B, more commonly known by the street address of One Journal Square Plaza (Property); and

WHEREAS, by the adoption of Ordinance 05-015, the City approved a lease with Journal Square Plaza Urban Renewal Associates [Landlord] for ten (10) years for approximately 28,202 square feet of space at the Property, consisting of the entire 2nd and 3rd floors of the Property; and

WHEREAS, the lease expires on May 31, 2015; and

WHEREAS, the rent for the space was \$21.25 per square foot or \$599,292.50 per year for the last five (5) years of the term of the lease; and

WHEREAS, by the adoption of Ordinance 06-008 the parties amended the lease, effective March 1, 2006, and increased the Premises by 3,200 square feet, located on the 4th floor; and

WHEREAS, by the adoption of Ordinance 12-076, the parties amended the lease, effective June 1, 2012, to add the remainder of the 4th floor, which increases the total leased premises consisting of all of the 2nd, 3rd and 4th floors of the property to 42,326 square feet; and

CERTIFIED to be a true copy of an ORDINANCE adopted by the Municipal Council of the City of Jersey City at the meeting of

10-10-12 *[Signature]*
City Clerk

WHEREAS, the total annual rent for the entire 42,326 square feet, shall be \$787,456.50 each year; and

WHEREAS, in addition, the Landlord will construct improvements to the Premises for the benefit of the City provided the City pays for same as additional rent; and

APPROVED AS TO LEGAL FORM

[Signature]
Corporation Counsel

Certification Required

Not Required

APPROVED: _____

APPROVED: *[Signature]*
Business Administrator

ORDINANCE AMENDING ORDINANCE 12-076 AUTHORIZING A THIRD AMENDMENT TO THE CITY'S LEASE WITH JOURNAL SQUARE PLAZA URBAN RENEWAL ASSOCIATES FOR ONE JOURNAL SQUARE PLAZA, BLOCK 586.5, LOT PLOT .B TO INCLUDE THE CONSTRUCTION OF IMPROVEMENTS BY THE LANDLORD AS ADDITIONAL RENT

WHEREAS, the renovations to be performed by Landlord are itemized in the proposal dated September 18, 2012, attached hereto as Exhibit A; and

WHEREAS, the total construction costs are estimated at \$212,152.25, which shall be payable to Landlord upon the completion of the improvements; and

WHEREAS, the costs have been reviewed by the City's Division of Architecture and determined to be reasonable and necessary for the use by the various Departments utilizing the Premises; and

WHEREAS, funds in the amount of \$75,000 are available in Account No. 16-286-56-000-801 to pay in part, the cost of the within Ordinance; and

WHEREAS, funds in the amount of \$140,000 are available in Account No. 01-201-31-432-304 to pay the balance of the cost of the within Ordinance.

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

1. The Mayor or Business Administrator is authorized to execute a Third Amendment to the Lease Agreement with Journal Square Plaza Urban Renewal Associates to include the construction costs of improvements to the Premises estimated at \$212,152.25 as additional rent and payable to the Landlord upon the completion of the improvements.
2. The Third Amendment to the Lease shall be in substantially the form attached, subject to such modifications as may be deemed necessary or appropriate by the Business Administrator or Corporation Counsel.
3. All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.
4. This Ordinance shall be a 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.
5. This Ordinance shall take effect at the time and in the manner as provided by law.
6. The City Clerk and the 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*.

I hereby certify that there are sufficient funds available in Account No. 16-286-56-000-801 in the amount of \$75,000 and Account No. 01-201-31-432-304 in the amount of \$140,000 for payment of this Ordinance.

Donna Mauer, Chief Financial Officer

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

ORDINANCE NO. Ord. 12-124
3.B, SEP 27 2012 4.B, OCT 10 2012



Ordinance amending Ordinance 12-076 authorizing a third amendment to the city's lease with Journal Square Plaza Urban Renewal Associates for 1 Journal Square Plaza, Block 586.5, Lot Plot.B to include the construction of improvements by the landlord as additional rent.

RECORD OF COUNCIL VOTE ON INTRODUCTION											
								SEP 27 2012 8-0			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
DONNELLY	✓			FULOP	✓			LAVARRO	✓		
LOPEZ	ABSENT			RICHARDSON	✓			MASSEY	✓		

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

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
								OCT 10 2012 9-0			
Councilperson <u>SOTTOLANO</u>				moved, seconded by Councilperson <u>BRENNAN</u>				to close PH.			
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 N.V.-Not Voting (Abstain)

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				MASSEY			

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

RECORD OF FINAL COUNCIL VOTE											
								OCT 10 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 N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on SEP 27 2012.

Adopted on second and final reading after hearing on OCT 10 2012

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on OCT 10 2012

[Signature]
 Robert Byrne, City Clerk

APPROVED:
[Signature]
 Peter M. Brennan, Council President

Date: OCT 10 2012

APPROVED:

[Signature]
 Joramiah T. Healy, Mayor

Date OCT 12 2012

Date to Mayor OCT 11 2012

*Amendment(s):

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



ORDINANCE NO. Ord 13.106

TITLE: 3.G SEP 25 2013 4.F OCT 09 2013

Ordinance amending Ordinance 12.124 authorizing a fourth amendment to the city's lease with Journal Square Plaza Urban Renewal Associates for One Journal Square Plaza, Block 586.5, Lot Plot B to amend the construction costs of improvements to include the architect fees by the landlord.

RECORD OF COUNCIL VOTE ON INTRODUCTION											
SEP 25 2013 <u>9-0</u>											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
OCT 09 2013											
Councilperson <u>Lavarro</u> moved, seconded by Councilperson <u>Rivera</u> to close P.H. <u>9-0</u>											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Yvonne Balcer
Jayson Burg

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				WATTERMAN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE											
OCT 09 2013 <u>9-0</u>											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

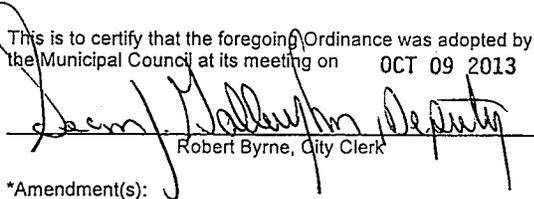
✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on SEP 25 2013

Adopted on second and final reading after hearing on OCT 09 2013

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on OCT 09 2013


Robert Byrne, City Clerk

*Amendment(s):

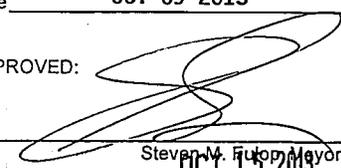
APPROVED:



Rolando R. Lavarro, Jr., Council President

Date OCT 09 2013

APPROVED:



Steven W. Fikora, Mayor

Date OCT 10 2013

Date to Mayor OCT 10 2013

City Clerk File No. Ord. 13.107

Agenda No. 3.H 1st Reading

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



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 13.107

TITLE: AN ORDINANCE AUTHORIZING THE EXECUTION OF A DEED OF EASEMENT AGREEMENT WITH PUBLIC SERVICE ELECTRIC AND GAS COMPANY FOR NO CONSIDERATION TO PERMIT THE INSTALLATION, USE, MAINTENANCE AND REPAIR OF A GAS LINE TO SERVICE THE LINDEN AVENUE MUNICIPAL COMPLEX.

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

WHEREAS, the Public Service Electric and Gas Company [PSE&G] requires a twenty (20) foot wide easement from the City in order to install, use, maintain and repair a gas line under certain City owned property located within Block 30304, Lot 30 to provide necessary gas service to the proposed Municipal Complex at Linden Avenue; and

WHEREAS, pursuant to N.J.S.A. 48:9-17, PSE&G is authorized to install facilities for conducting gas through the streets, alleys, squares and public places in a municipality where it has obtained the consent of municipality to do so; and

WHEREAS, the City is authorized to contract with PSE&G to provide gas service pursuant to N.J.S.A. 40A:11-5(1)(f); and

WHEREAS, the City is authorized to sell or dispose of its real property pursuant to N.J.S.A. 40:69A-29(c); and

WHEREAS, it is in the best interest of the City to grant this proposed easement to PSE&G for no consideration because the City needs the gas that PSE&G will provide in order to operate the City's Municipal Complex at Linden Avenue, and PSE&G requires this easement in order to lay the pipe necessary to provide the gas.

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

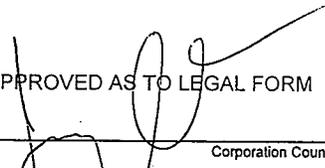
1. The City of Jersey City is hereby authorized to grant an easement to Public Service Electric and Gas Company for no consideration under a twenty (20) foot wide section across certain Jersey City owned property known on the Tax Assessor's map as Block 30304, Lot 30, more particularly depicted on the Survey of Mountain View Layout, dated August 7, 2013 and attached hereto as exhibit A and more commonly known as the Linden Avenue Municipal Complex.
2. Subject to such modification as the Business Administrator and the Corporation Counsel may deem necessary or appropriate, the mayor or Business Administrator is hereby authorized to execute an Easement Agreement substantially similar to the form attached hereto, and to execute any and all documents which may be necessary to effectuate the purposes of this Ordinance, subject to the review and approval of these documents by the Business Administrator or Corporation Counsel.
3. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

- 4. This ordinance shall be a part of the Jersey City Code as though codified and incorporated in the official copies of the Jersey City Code.
- 5. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.
- 6. This Ordinance shall take effect at the time and in the manner provided by law.
 - A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
 - B. 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 as provided by law.
 - D. The City Clerk and the Corporation Counsel may change any chapter numbers, article numbers and section numbers if codification of this ordinance reveals a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

Note: All new material is underlined; words in [brackets] are omitted.
For purposes of advertising only, new matter is **boldface** and repealed matter by *italics*.

JH/igp
9/18/13

APPROVED AS TO LEGAL FORM



Corporation Counsel

APPROVED: _____

APPROVED: 

Business Administrator

Certification Required
Not Required

Prepared by:
(Customer name)

Corporation Grant of Easement

THIS INDENTURE, made this day of , 20 , between **[CORPORATION THAT OWNS LAND]** , with an office at , (hereinafter called "Grantor"), and **PUBLIC SERVICE ELECTRIC AND GAS COMPANY**, a corporation of the State of New Jersey, having its office at 80 Park Plaza, Newark, New Jersey 07102 (hereinafter called "Grantee").

WHEREAS, Grantor is the owner in fee simple of a certain tract of real property situated in , County of and State of New Jersey, commonly known as Block , Lot (hereinafter the "Property"); and

WHEREAS, Grantee is a public utility of the State of New Jersey, engaged in furnishing utility service to subscribers in the State of New Jersey; and

WHEREAS, the Grantor does agree to convey an easement in perpetuity to Grantee for its use, occupancy and enjoyment and the use, occupancy and enjoyment of its licensees, successors in interest and assigns, in connection with the provision of utility service thereto and for the conduct of its business, all in accordance with and for the purposes set forth in this Grant of Easement, for the mutual benefit of both Grantor and Grantee;

NOW THEREFORE, WITNESSETH: In consideration of these premises and the sum of ONE (\$1.00) DOLLAR, paid to the Grantor by the Grantee, the receipt of which is hereby acknowledged, and in further consideration of the mutual conditions, covenants, promises and terms hereinafter contained, it is agreed that:

1. Grantor does hereby grant and convey unto Grantee an easement in perpetuity in, under, through, upon, over and across the hereinbefore described Property of Grantor, with full rights, privileges and authority for Grantee to enter upon same from time to time, for the purpose of inspecting, locating, relocating, installing, altering, extending, constructing, repairing, replacing, rebuilding, removing and perpetually operating, maintaining mains, pipes, manholes, handholes, regulator vent poles and other fixtures, appurtenances and facilities (hereinafter the "Facilities") which Grantee may, in its exclusive discretion and sole judgment, deem necessary or proper for the transmission and distribution of gas, together with such free and unlimited access to, egress and ingress in, from and over all points of said Property, as is reasonable or necessary for the full use, occupancy and enjoyment of said easement. Said easement area and the Facilities to be installed therein are more particularly shown on Drawing No. attached hereto and made a part hereof.

2. Grantor does further grant and convey to Grantee the right, privilege and authority to trim, cut and remove such tree branches, roots, shrubs, plants, trees and vegetation which might, within the exclusive discretion and sole judgment of Grantee, interfere with or threaten

the safe, proper or convenient use, maintenance or operation of said Facilities within the easement area. Grantee shall not be responsible for any damage to any trees or other vegetation due to the installation of the Facilities.

3. Grantor shall have the right to use, occupy and enjoy the surface and air space around the easement area for any purpose which does not interfere or threaten the safe, proper or convenient use, occupancy or enjoyment of same by Grantee. Grantor agrees, however, that the no buildings or structures shall be erected over or within ten (10) feet of said Facilities of Grantee.

4. Grantor shall have the right to allow other utilities to use the said easement area for any purpose which does not in any way interfere with the accessibility and safe operation of said Facilities of Grantee, and subject to the consent of Grantee. Grantor's right to allow other utilities to use the easement area does not include the right to allow other utilities to use the Facilities that Grantee has installed in the easement. Grantor's right to allow other utilities to use the easement area shall in no way limit the rights granted to Grantee in this Easement.

5. Grantee shall perform all work in connection with the rights, privileges and authority herein granted and conveyed in a workmanlike manner and with a minimum of inconvenience to the Grantor; and any damage done to the land or premises of Grantor shall be promptly repaired and restored to its condition immediately prior to damage, at the sole cost and expense of Grantee.

6. If Grantor shall, at any time after the initial installation of said Facilities, request Grantee to relocate said Facilities to a different location or locations, it shall do so at such location or locations as shall be mutually satisfactory to the parties hereto, at the sole cost and expense of Grantor, Grantee to have the same rights and privileges in the new location or locations as in the former location or locations.

7. Grantor covenants to warrant generally the rights above granted, will execute such further assurance of the same as may be required, and that Grantee shall have the quiet possession thereof free from all encumbrances.

8. Grantee shall defend and indemnify Grantor against, and shall save Grantor harmless from, and shall reimburse Grantor with respect to, any and all claims, demands, actions, causes of action, injuries, orders, losses, liabilities (statutory or otherwise), obligations, damages, fines, penalties, costs and expenses (including without limitation, reasonable attorneys' fees and expenses) incurred by, imposed upon or asserted against Grantor by reason of any accident, injury (including death at any time resulting therefrom) or damage to any person or property arising out of or resulting from any acts or omissions of Grantee or by any employee, licensee, invitee or agent of Grantee.

9. This Grant of Easement shall be governed by and construed in accordance with the laws of the State of New Jersey and recorded on the title to the Property.



STEVEN M. FULOP
MAYOR OF JERSEY CITY

CITY OF JERSEY CITY
DEPARTMENT OF LAW

CITY HALL | 280 GROVE STREET | JERSEY CITY, NJ 07302
P: 201 547 5229 | F: 201 547 5230



JEREMY FARRELL
CORPORATION COUNSEL

MEMORANDUM

TO: Council President Lavarro and the Members of the Municipal Council

FROM: John Hallanan, Assistant Corporation Counsel *JH*

RE: Ordinance authorizing the execution of a deed of easement agreement between Public Service Electric and Gas Company for no consideration to permit the installation, use, maintenance and repair of a gas line to service the Linden Avenue Municipal Complex.

DATE: September 18, 2013

The City of Jersey City is building a new Municipal Complex located at Linden Avenue (Block 30304, Lot 30). In order to service the building with gas, Public Service Electric and Gas Company [PSE&G] requires a twenty (20) foot wide easement from the City in order to install, use, maintain and repair a gas line under the City's property on Linden Avenue. The City needs the gas that PSE&G will provide in order to operate the City's Municipal Complex at Linden Avenue, and PSE&G requires this easement in order to lay the pipe necessary to provide the gas.

Under N.J.S.A. 48:9-17, PSE&G is authorized to install facilities for conducting gas through the streets, alleys, squares and public places in a municipality where it has obtained the consent of municipality to do so. Furthermore, the City is authorized to contract with PSE&G to provide gas service pursuant to N.J.S.A. 40A:11-5(1)(f) and the City is authorized to sell or dispose of its real property pursuant to N.J.S.A. 40:69A-29(c). Accordingly, it is in the best interest of the City to grant this easement to PSE&G without consideration because without this easement the City cannot operate its Municipal Complex at Linden Avenue. Moreover, the City does not need any consideration for this easement as the City will ultimately be the party enjoying the greatest benefit from the easement's creation.

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



ORDINANCE NO. Ord. 13.107
 TITLE: 3.H SEP 25 2013 4.G OCT 09 2013

An ordinance authorizing the execution of a deed of easement agreement with Public Service Electric and Gas Company for no consideration to permit the installation, use, maintenance and repair of a gas line to service the Linden Avenue Municipal Complex.

RECORD OF COUNCIL VOTE ON INTRODUCTION											
										SEP 25 2013	9-0
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
										OCT 09 2013	9-0
Councilperson <u>Coleman</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	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

Jayson Burg

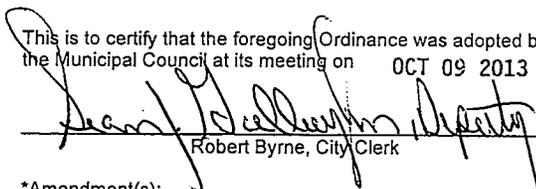
RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
Councilperson _____ moved to amend* Ordinance, seconded by Councilperson _____ & adopted											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI				YUN				RIVERA			
RAMCHAL				OSBORNE				WATTERMAN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE											
										OCT 09 2013	9-0
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

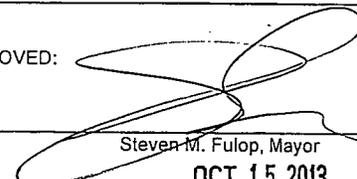
N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on SEP 25 2013
 Adopted on second and final reading after hearing on OCT 09 2013

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on OCT 09 2013

 Robert Byrne, City Clerk

*Amendment(s):

APPROVED: 
 Rolando R. Lavarro, Jr., Council President
 Date OCT 09 2013

APPROVED: 
 Steven M. Fulop, Mayor
 Date OCT 15 2013
 Date to Mayor OCT 10 2013

City Clerk File No. Ord. 13.108

Agenda No. 3.I 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 13.108

TITLE: ORDINANCE AMENDING CHAPTER 239 (PARKS) OF THE JERSEY CITY CODE TO MODIFY THE CITY'S RECREATIONAL AND OPEN SPACE INVENTORY TO INCLUDE THE NEW BLOCK AND LOT DESIGNATIONS OF THE PROPERTIES

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

WHEREAS, the New Jersey Green Acres and Recreation Opportunities Act provides for the making of loans and grants by the Commissioner of the Department of Environmental Protection [NJDEP] to local units of government for assistance for assistance in the acquisition and development of lands for outdoor recreation/conservation purposes; and

WHEREAS, the Green Acres Program has been used to fund the rehabilitation and purchase of property for the recreational uses of the residents of Jersey City; and

WHEREAS, Green Acres Rules and Regulations set forth in the New Jersey Administrative Code requires the City of Jersey City [City] to maintain and file a Recreation and Open Space Inventory [ROSI] of land either owned or rented by the City that is dedicated to recreational and open space purposes; and

WHEREAS, the properties are designated and protected as parklands for public recreation and are eligible for grants from the NJDEP used to develop parklands for public recreation for the use of residents of the community; and

WHEREAS, the City's Tax Assessor has designated new block and lot information for the properties on the ROSI; and

NOW, THEREFORE BE IT ORDAINED, by the Municipal Council of the City of Jersey City that the following amendments and supplements to Chapter 239 (Parks) of the Jersey City Code are adopted:

	Municipal Location	Name	Former Block	New Block	Former Lot	New Lot	Acres
#1	York St. & Exchange Pl.	York St. Park	8	11605	Portion	2	0.5
#2	Hudson River	J. Owen Grundy Park (aka Exchange Pl. Park)	8	11605	6 portion	2	0.39
#3	226 Washington St.	Paulus Hook Park	68	14304	1	1	0.92
#4	236 Washington St.		69	14303	50	4	
#5	93-99 Grand St.		100	14305	D	8	
#6	92-98 Grand St.		101	14306	M	12	
#7	280 Grove St	City Hall Park	201	12904	CH portion	1	0.48
#8	111 Newark Ave.	Fitzgerald Holota Park(aka Grove St. Park)	204	13004	1	1	0.14
#9	17 Laurel Ct.		208	11501	65	9	0.05
#10	450 Manila Ave.	(aka Philippine Plaza)	213	11601	A	1	1.84
#11	268 Erie St	Sixteenth St. Park	258	7102	19	1	0.46

	Municipal Location	Name	Former Block	New Block	Former Lot	New Lot	Acres
#12	270 Erie St.		258	7102	20	1	
#13	272 Erie St.		258	7102	21	1	
#14	274 Erie St.		258	7102	22	1	
#15	276 Erie St.		258	7102	23	1	
#16	278 Erie St.		258	7102	24	1	
#17	215 16th St.		258	7102	25	1	
#18	213 16th St.		258	7102	26	1	
#19	257-287 Montgomery St.	Van Vorst Park	270.5	12805	5	1	1.84
#20	84 Wayne St.	Angel Ramos Park	273	12705	22	17	0.23
#21	86 Wayne St.	(formerly Wayne St. Park)	273	12705	23	18	
#22	88 Wayne St.		273	12705	24	19	
#23	90 Wayne St.		273	12705	25	20	
#24	25 W. Hamilton Pl.	Hamilton Park	283.1	10003	PK	1	5.57
#25	366 Grand St.	Alexander F. Santora Path	303	13905	A.1	1	0.15
#26	364 Grand St.	(formerly Meluso Park)	303	13905	A.2	1	
#27	362 Grand St.		303	13905	A.3	1	
#28	360 Grand St.		303	13905	A.4	1	
#29	174 Brunswick Street		389	9905	19	8	0.0565
#30	176 Brunswick Street		389	9905	20	9	0.0459
#31	388 1st St.	First St. Park	410	11006	25	26	0.12
#32	386 1st St.		410	11006	26	25	
#33	384 1st St.		410	11006	27	24	
#34	237 Brunswick St.	Roberto Clemente Sports Complex	418	8504	A.PL	11	6.43
#35	8th St.	(aka Enos Jones Park)	418	8504	PL.F	11	
#36	376 8th St.	(includes Oakley Oval)	418	8504	9	11	
#37	378-380 8th St.	(includes Ed Franco Field)	418	8504	10	11	
#38	381 8th St.	(includes John DeSalvo Plgnd.)	418	8504	12.A	11	
#39	Newark & Merseles	Mary Benson Park Complex	439	10901	A	119	2.95
#40	Merseles & 3rd St.		439	10901	PT.3	132	
#41	96 Palisade Ave.	Sgt. Anthony Park	551	6901	17	11	0.58
#42	90 Palisade Ave.		551	6901	18	10	
#43	109-115 Ogden Ave.	Janet Moore Park	722.B	5202	3.99	29	0.3
#44	105-107 Ogden Ave.	(formerly Cuneo Pl. Park)	722.B	5202	7.A	28	
#45	285 Ogden Ave.		768	3002	54	2	0.0342
#46	Riverview Park	Riverview-Fisk Park	768	3002	VAR	1	5.53
#47	Riverview Park		769	3003	VAR	1	
#48	201 Central Ave.	Pershing Field	835	4802	N	2	13.45
#49	Hillside Rd.	Edward Crincoli, R.A., Park	922	2002	19	13	0.45
#50	Terrace Ave.	(formerly Terrace Ave. Park)	922	2002	19	13	
#51	Hillside Rd.		922	2002	19	13	
#52	Terrace Ave.		922	2002	19	13	
#53	Terrace Ave.		922	2002	19	13	
#54	Hillside Rd.		922	2002	19	13	
#55	Terrace Ave.		922	2002	19	13	
#56	Terrace Ave.		922	2002	19	13	
#57	Terrace Ave.		922	2002	19	13	

	Municipal Location	Name	Former Block	New Block	Former Lot	New Lot	Acres
#58	Terrace Ave.		922	2002	19	13	
#59	Hillside Rd.		922	2002	19	13	
#60	Terrace Ave.		922	2002	19	13	
#61	3305-65 Kennedy Blvd.	Leonard Gordon Park	935	3501	30	14	5.81
#62	30 Sycamore Rd.	Thomas McGovern Park (formerly County Village Park, includes College LL Field)	1253.7	29003	A.1	1	2.5
#63	259-265 Linden Ave.	Woodland Ave. Park	1267	28003	105	1	0.17
#64	179 West Side Ave.	Metro Field (includes C. Fricchione playground)	1275.1	21902	1	11	2.33
#65	103-129 Bergen Avenue	Audubon Park (aka Maj. John Desmond Park)	1283.5	2390	4	1	3.43
#66	Broadman Pkwy.	Lt. R.B. Grover Memorial Park	1300.A	22201	84.B	16	0.39
#67	Broadman Pkwy.		1300.B	22302	10.D	29	
#68	146 Wilkinson Ave.	Dr. Edith Bland Phillips Park (formerly Wilkinson Ave. Park)	1304	23501	A.6	76	0.3
#69	152 Wilkinson Ave.		1305	23501	D.7	78	
#70	150 Wilkinson Ave.		1305	23501	D.8	77	
#71	125 ML King Dr.	Fulton Ave. Park	1337	24903	6.B	16	0.29
#72	90 Van Nostrand Ave.	Muhammad Ali Path	1342	25801	15.DUP	38	0.5
#73	92 Van Nostrand Ave.		1342	25801	16.A	39	
#74	102 Van Nostrand Ave.		1342	25801	21.DUP	44	
#75	104-106 Van Nostrand Ave.		1342	25801	22.A	1	
#76	108 Van Nostrand Ave.		1342	25701	24.A	22	
#77	110 Van Nostrand Ave.		1342	25701	25	23	
#78	93 Armstrong Ave.		1342	25801	43	8	
#79	91 Armstrong Ave.		1342	25801	44	9	
#80	66 ML King Dr.		Vernater Watson Park (formerly Stevens Ave. Park)	1346	26402	29.B	36
#81	64 ML King Dr.	1346		26402	31.B	35	
#82	62 ML King Dr.	1346		26402	32.B	34	
#83	13 Ludlow St.	Ralph Taylor Memorial Park	1360.75	28201	A.1	10	0.26
#84	9 Ludlow St.		1360.75	28201	A.3	12	
#85	7 Ludlow St.		1360.75	28201	A.4	13	
#86	5 Ludlow St.		1360.75	28201	A.5	14	
#87	3 Ludlow St.		1360.75	28201	A.6	15	
#88	1 Ludlow St.		1360.75	28201	A.7	16	
#89	250 Old Bergen Rd.	Ferris Triangle Park	1366.1	28205	62.B	1	0.23
#90	1628-38 Kennedy Blvd.	Columbia Park (aka Greenville Memorial Park)	1374	29202	WB	1	4.72
#91	31 Old Bergen Rd.	Martiniak-Enright Park (aka Pamrapo Ave. Park)	1379	29801	2E3.99	47	
#92	480 Garfield Ave.	Bayside Park	1466	26001	8	1	9.23
#93	Ft. of Richard St.		1466	26001	8	1	
#94	16 Wilkinson Ave.	Skinner Memorial Park	1485	23703	3.99	1	0.14
#95	Chapel Ave. & Caven Pt. Rd.	Caven Point Complex	1500	27401	16	27	17.81
Property of the Jersey City Board of Education. Leased, managed and maintained by the City of Jersey City							
#96	2565 Kennedy Blvd.	Boyd McGuinness Park	1825.1	16302	C.1	40	0.22
#97	88a DeKalb Ave.	La Pointe Park	1839	13201	37.C	17	0.28
#98	53-55 Stuyvesant Ave.		1839	13201	38	6	

	Municipal Location	Name	Former Block	New Block	Former Lot	New Lot	Acres	
#99	90-92 DeKalb Ave.		1839	13201	39	17		
#100	57 Stuyvesant Ave.		1839	13201	40.A	5		
#101	94 DeKalb Ave.		1839	13201	41.A	17		
#102	1020 West Side Ave.	Pavonia Marion Park	1852	10501	59	1	3.4	
#103	901 Pavonia Ave.	(includes Pavonia Pool)	1852	10501	59	1		
#104	903 Pavonia Ave.	(includes Martucci LL Field)	1852	10501	59	1		
#105	901 Pavonia Ave.	(includes Marion Plygrd.)	1852	10501	59	1		
#106	899 Pavonia Ave.	(includes Gus DiSanto Ct.)	1852	10501	59	1		
#107	Corbin Ave.		1852	10501	59	1		
#108	Corbin Ave.		1852	10501	59	1		
#109	Corbin Ave.		1852	10501	59	1		
#110	Corbin Ave.		1852	10501	59	1		
#111	Corbin Ave.		1852	10501	59	1		
#112	West Side Ave.		1852	10501	59	1		
#113	West Side Ave.		1852	10501	59	1		
#114	West Side Ave.		1852	10501	59	1		
#115	West Side Ave.		1852	10501	59	1		
#116	West Side Ave.		1852	10501	59	1		
#117	1040 West Side Ave.		1853	9306	41	3		
#118	West Side & Corbin Ave.		1853	9306	41	3		
#119	848 Pavonia Ave.		Brett Triangle	1856.1	9302	1	1	0.02
#120	298 Academy St.		Apple Tree House	1871	12106	34	11	0.48
#121	8-9 Foye Pl.		McGinley Square Park	1896	14902	29	3	0.3
#122	722 Montgomery St.			1896.5	14903	A	1	
#123	531 Communipaw Ave.		Harmon St. Pool	1941	18702	17	9	0.52
#124	1025-1031 Garfield Ave.		Terry DeHere Park (aka Garfield Ave. Park)	1947	19703	G.27	41	0.4
#125	785 Grand Street	Arlington Park	1949	18802	P	1	3.52	
#126	38 Madison Ave.	38 Madison Ave. (formerly Madison Ave. Park)	1950	18801	R	52	0.91	
#127	36 Monticello Ave.	Monticello Ave. Park	1951	18604	39	15	0.16	
#128	566 Bramhall Ave.	Izetta Hill-McDuffy Park (formerly Bramhall Park)	1952	18601	40.A	1	0.07	
#129	568 Bramhall Ave.		1952	18601	41.A	1		
#130	514 Jackson Ave.		1952	18601	41.B	1		
#131	285 Arlington Ave.	Arthur Ashe Park (formerly Arlington/Minerva Park)	1969	21303	97.A	19	0.12	
#132	Minerva St.		1969	21303	98.A	19		
#133	80 Virginia Ave.	Virginia Ave. Park	1978	21101	48	50	0.23	
#134	78 Virginia Ave.		1978	21101	49	49		
#135	76 Virginia Ave.		1978	21101	50	48		
#136	74 Virginia Ave.		1978	21101	51	47		
#137	124 Lafayette St.	Rev. Erceel F. Webb Park (aka Lafayette Park)	2066.1	17405	PK	1	4.43	
#138	335 Johnston Ave.	Dr. Lena Edwards Park	2074	19002	34	3	0.77	
#139	333 Johnston Ave.		2074	19002	34	3		
#140	331 Johnston Ave.		2074	19002	34	3		
#141	329 Johnston Ave.		2074	19002	34	3		
#142	327 Johnston Ave.		2074	19002	34	3		
#143	325 Johnston Ave.		2074	19002	34	3		
#144	285 Pine St.		2074	19002	35	8		

	Municipal Location	Name	Former Block	New Block	Former Lot	New Lot	Acres
#145	283 Pine St.		2074	19002	35	8	
#146	368 Whiton St.		2074	19002	36	23	
#147	370 Whiton St.		2074	19002	36	23	
#148	372 Whiton St.		2074	19002	36	23	
#149	382 Whiton St.		2074	19002	36	23	
#150	384 Whiton St.		2074	19002	36	23	
#151	386 Whiton St.		2074	19002	36	23	
#152	388 Whiton St.		2074	19002	36	23	
#153	390 Whiton St.		2074	19002	36	23	
#154	Inside Lot Gateway Park Complex			2134	13701	F	4
#155	Bright St. & Merseles St.	(aka Bright St. Gateway Park)	2134	13701	5-15, 17-24, PL-25	4	
#156	Bright St.	(includes Dick Seay Field)	2134	13701	25.PT, 26-32	4	
#157	40 Merseles Ave.		2134.5	13702	PL.2	1	
#158	24 Merseles Ave.		2137	13702	PL.2	4	
#159	17-31 Merseles Ave.		2138	13701	8	4	
#160	490-504 Grand St.		2139	13703	A3.PL	2	
#161	Lincoln Park	Lincoln Park West	1702.1	16002	1 portion	1	8
Subtotal of Acres Developed							120.76
Wholly Undeveloped Lands Held for Recreation and Conservation Purposes							
#162	24-32 Hudson St.	Veteran Park	2	14502	A	11	0.34
#163	New York Ave.	Tumulty Park	723	5202	21.B	26	0.49
#164	New York Ave.		723	5202	21.C	27	
#165	Hillside Rd.	Terrace Ave.	923	2001	5.B	8	0.09
#166	Hillside Rd.		923	2001	12.B	1	
#167	Hackensack R. & Clendenny	Hackensack River Greenway	1746.5	16001	H2	2	33.88
#168	Hackensack River		1751	16001	12	1	
#169	52 Summit Ave.	Summit Cornelison Park	1916	17102	1	1	0.5
#170	113-116 Central Ave.	Reservoir 3	835	4802	S portion	1	9 13.13
#171	770-776 Ocean Avenue	Oak Street Park	1970	21302	K.2	43	
#172			21302	L.1	43		
#173			21302	47.5	43		
#174			21302	M.1	42	Survey to be provided	
#175	Berry Lane		Berry Lane	2040	18901	A	18
#176				18901	B.1	18	
#177				18901	C.16	18	
#178				18901	H	18	
#179				18901	G.1	18	
#180				18901	E	18	
#181				18901	J.1	18	
#182				18901	K	18	6.59
Subtotal of Acres Undeveloped							50.89
Total Acres of developed and open space from all pages							171.65 175.78

- A. All ordinances and parts of ordinances inconsistent herewith are hereby repealed.
- B. This ordinance shall become part of the Jersey City Code as though codified and fully set forth therein. The City 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 as provided by law.

D. The City Clerk and the 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 new material is underlined; words in [brackets] are omitted.
For purposes of advertising only, new matter is indicated by **boldface** and Repealed matter by *italic*.

JM/he

APPROVED AS TO LEGAL FORM

APPROVED: _____

Corporation Counsel

APPROVED: _____
Business Administrator

Certification Required
Not Required

Ord 13-108



STEVEN M. FULOP
MAYOR OF JERSEY CITY

CITY OF JERSEY CITY
DEPARTMENT OF LAW

CITY HALL | 280 GROVE STREET | JERSEY CITY, NJ 07302
P: 201 547 5229 | F: 201 547 5230



JEREMY FARRELL
CORPORATION COUNSEL

MEMORANDUM

TO: Rolando Lavarro, Council President and
Members of the Municipal Council

FROM: Joanne Monahan, Asst. Corporation Counsel 

DATE: September 25, 2013

SUBJECT: Ordinance Amending Chapter 239 (Parks)
Modifying the Recreational Open Space Inventory

The City is required to maintain an accurate list of any properties it uses for recreation/parks. This list is referred to as the Recreational Open Space Inventory or ROSI. Jersey City's ROSI is approved by Ordinance and is a part of the City Code. The City's obligation to create a ROSI arose as a condition of receiving of Green Acres funds to improve parks anywhere in the City. Property used for recreation purposes at the time of receiving any grant must be maintained for such purposes even if the grant was not used to improve or acquire every park. The purpose is to insure that recreational property will not be reduced or advertently or inadvertently sold, conveyed, leased or used for a non park use.

The original ordinance was submitted simply to the new block and lot designations (which had changed when the City adopted its new tax assessment maps).

Councilman Yun pointed out a potential error concerning the acreage for the Reservoir property. The ROSI indicated that the property was only nine (9) acres. Councilman Yun believed it was 14 acres. As confirmed by the Tax Assessor, Councilman Yun was correct. Accordingly, the ordinance was amended and the acreage for the Reservoir (and the City's overall acreage) was increased by approximately four (4) acres, for a total of 13.13 or 175.78, respectively.

In addition, we have taken the liberty of improving the ROSI ordinance layout. Accordingly, you will note that the pages of the ROSI are numbered and each park property on the ROSI is assigned a number. In addition, the heading that is at the top of the first page will also appear on each page of the ROSI. This should make speaking about items on the ROSI easier, if nothing else.

Your cooperation is appreciated.

JM/he

cc: Jeremy Farrell, Corporation Counsel

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



ORDINANCE NO. Ord. 13.108
 TITLE: _____

3.I SEP 25 2013 4.H OCT 09 2013

Ordinance amending Chapter 239 (Parks) of the Jersey City Code to modify the City's Recreational and Open Space Inventory to include the new block and lot designations of the properties.

RECORD OF COUNCIL VOTE ON INTRODUCTION											
SEP 25 2013 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
OCT 09 2013 9-0											
Councilperson <u>Lavarro</u> moved, seconded by Councilperson <u>Ramchal</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	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

Charlene Burke
 Jayson Burg

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				WATTERMAN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE											
OCT 09 2013 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

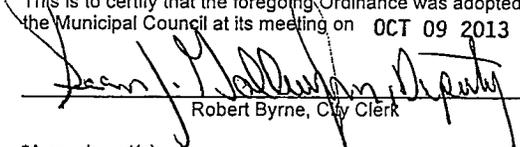
✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on SEP 25 2013

Adopted on second and final reading after hearing on OCT 09 2013

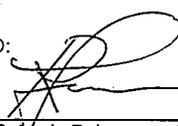
This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on OCT 09 2013



 Robert Byrne, City Clerk

*Amendment(s): _____

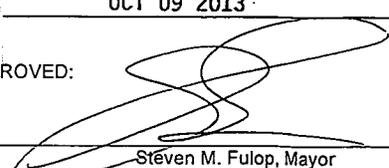
APPROVED: _____



 Rolando R. Lavarro, Jr., Council President

Date OCT 09 2013

APPROVED: _____



 Steven M. Fulop, Mayor

Date OCT 15 2013

Date to Mayor OCT 10 2013

City Clerk File No. Ord. 13.109

Agenda No. 3.J 1st Reading

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



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 13.109

TITLE:

ORDINANCE AUTHORIZING THE CITY OF JERSEY CITY TO EXECUTE A
LEASE AGREEMENT WITH HARWOOD CORPORATION FOR PARKING
SPACES LOCATED AT 2854 KENNEDY BOULEVARD.

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

WHEREAS, the City of Jersey City (City) Police Department moved its headquarters from 8 Erie Street to office space at 1 Journal Square Plaza in July, 2012; and

WHEREAS, the City needs parking spaces for Police Department personnel working at 1 Journal Square Plaza; and

WHEREAS, Harwood Corporation agrees to provide twenty (20) unreserved parking spaces at its facility located at 2854 Kennedy Boulevard, Jersey City for \$120.00 per space per month for a total monthly cost of \$2,400.00; and

WHEREAS, the parking spaces rented by the City will be exempt from the City's tax on parking lot spaces pursuant to section 304-1 et seq. of the City Code; and

WHEREAS, the lease term shall be for sixteen (16) months effective September 1, 2013 and ending December 31, 2014; and

WHEREAS, the sum of \$8,000.00 is available in Account No. 01-201-31-432-304; and

WHEREAS, the balance of the lease funds will be made available in the 2014 permanent budget and in subsequent Calendar Year budgets.

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

1. Subject to such modifications as may be deemed necessary or appropriate by Corporation Counsel, the Mayor or Business Administrator is authorized to execute the Lease Agreement attached hereto with Harwood Corporation for twenty (20) unreserved parking spaces at 2854 Kennedy Boulevard, Jersey City.
2. The term of the lease shall be sixteen (16) months and shall take effect as of September 1, 2013 and shall end on December 31, 2014.
3. Harwood Corporation and the City of Jersey City shall have the right to terminate the lease without cause by providing (30) days notice prior to the effective date of termination.
4. The monthly rent for twenty (20) unreserved parking spaces shall be \$120.00 per space for a total monthly amount of \$2,400.00.
5. The parking spaces rented by the City shall be exempt from the parking tax authorized pursuant to Section 304-1 et seq. Of the City Code.
6. Funds in the amount of \$8,000.00 are available in Account No. 01-201-31-432-304. The balance of the lease funds will be made available in the 2014 permanent budget and in subsequent Calendar Year budgets

- 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 shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.
- C. This ordinance shall take effect in the manner as prescribed by law.
- D. The City Clerk and the 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 new material is underlined ; words in (brackets) Are omitted. For purposes of advertising only, new matter is indicated by **boldface** and repealed matter by italic.

I hereby certify that funds in the amount of \$8,000.00 are available for this expenditure in Account # 01-201-31-432-304 in accordance with the Local Budget Law, N.J.S.A. 40:4-1 et seq.

PO # 11210

Donna Mauer

Donna Mauer, Chief Financial Officer

APPROVED AS TO LEGAL FORM

Corporation Counsel

APPROVED: _____

APPROVED: _____
Business Administrator

Certification Required
Not Required

CITY OF JERSEY CITY

Requisition #
0163367

Assigned PO #

Requisition

Vendor
HARWOOD CORP.
26 JOURNAL SQUARE, STE 804
JERSEY CITY NJ 07306

HA262477

Dept. Bill To
DIVISION OF REAL ESTATE
MUNICIPAL COURT BUILDING
365 SUMMIT AVENUE
JERSEY CITY NJ 07306

Dept. Ship To

Contact Info
PEGGY RAUSCH X5234
0000000000

Quantity	UOM	Description	Account	Unit Price	Total
1.00	EA	AS FOLLOWS: THIS PURCHASE ORDER IS ISSUED FOR ENCUMBRANCY PURPOSES ONLY TO ESTABLISH FUNDING FOR EMPLOYEE PARKING AT 2854 KENNEDY BOULEVARD NAME OF CONTRACT: HARWOOD CORPORATION TOTAL CONTRACT: \$28,800.00 TEMPORARY ENCUMBRANCY: \$8,000.00 TO COVER FROM 9/1/13 THRU 12/31/13 PAYMENTS WILL BE MADE FROM TIME TO TIME ON PARTIAL PAYMENT VOUCHERS.	0120131432304	8,000.00	8,000.00

Requisition Total 8,000.00

Req. Date: 09/11/2013

Requested By: PEGGYR

Approved By: _____

Buyer Id:

This Is Not A Purchase Order

LEASE AGREEMENT

THIS LEASE AGREEMENT made this 1st day of September, 2013 between HARWOOD CORPORATION located at 26 Journal Square Suite 804, Jersey City, New Jersey 07306 and the CITY OF JERSEY CITY (City), having its principal place of business at City Hall, 280 Grove Street, Jersey City, New Jersey 07302.

WHEREAS, the City requires parking spaces for employees working at the Police Department located at 1 Journal Square Plaza, Jersey City, New Jersey; and

WHEREAS, Harwood Corporation agrees to lease the City twenty (20) parking spaces located at 2854 Kennedy Boulevard, Jersey City, New Jersey.

NOW THEREFORE, inconsideration of the mutual promises and covenants set forth herein, the parties agree as follows:

ARTICLE I Premises

Harwood Corporation does hereby lease to the City and the City does hereby rent from Harwood Corporation the following described premises:

A total of twenty parking spaces located at 2854 Kennedy Boulevard.

ARTICLE II Term

For a term of sixteen (16) months effective as of September 1, 2013 and ending December 31, 2014.

ARTICLE III Use

Under the terms of this lease, the City shall have the right to use and occupy twenty parking spaces located at 2854 Kennedy Boulevard, Jersey City, New Jersey.

ARTICLE IV Payment of Rent

The City covenants and agrees to pay the Harwood Corporation rent for and during the term hereof the sum of Two Thousand Four Hundred Dollars (\$2,400.00) per month during the term of this Lease. The sum of Two Thousand Four Hundred Dollars (\$2,400.00) represents the monthly rent due for twenty(20) parking spaces at One Hundred Twenty Dollars (\$120.00) per parking space per month. The parking spaces rented by the City will be exempt from the City's tax on parking lot spaces pursuant to section 304-1 et seq. Of the City Code.

ARTICLE V
Assignment Sub- Lease

The City shall not, without the prior written consent of Harwood Corporation, assign mortgagor hypothecate this Lease, or sublet or sublease the premises or any part hereof.

ARTICLE VI
Termination

The Term of this Lease is for sixteen (16) months. The City shall have the right at its convenience to terminate the lease at any time during its term by giving thirty (30) days notice prior to the date of termination.

ARTICLE VII
Validity of Lease

The terms, conditions, covenants and provisions of this Lease shall be deemed to be severable. If any clause or provision herein contained shall be adjudged to be invalid or unenforceable by a court of competent jurisdiction or by operation of any applicable law, it shall not affect the validity or any other clause or provision herein, but such other clauses or provisions shall remain in full force and effect.

ARTICLE VIII
Notices

All notices required under the terms of this Lease shall be given and shall be complete by mailing such notices by certified or registered mail, return receipt requested, or by hand delivery to the address of the parties as shown at the head of this Lease, or to such other address as may be designated in writing notice of change of address shall be given in the same manner.

ARTICLE IX
Entire Contract

This Lease contains the entire contract between the parties. No representative, agent or employee of Harwood Corporation has been authorized to make any representations or promises with reference to the within letting or to vary, alter or modify the terms hereof. No additions changes or modifications, renewals or extensions hereof, shall be binding unless reduced to writing and signed by Harwood Corporation and the City.

ARTICLE X

This Lease may not be filed by the City without the prior written consent of the Harwood Corporation.

ARTICLE XI

1. Landlord shall purchase and maintain the following insurance during the term of this Lease:

A. Comprehensive General Liability: including Premises Operations, Products Completed Operations, and Independent Contractor Coverages - covering as insured Landlord with not less than ONE MILLION DOLLARS (\$1,000,000) combined single limit for Bodily Injury and Property Damage Liability. The City of Jersey City, its employees, its agents, and servants shall be named as additional insured.

B. Automobile Liability Coverage: covering as insured Landlord with not less than FIVE HUNDRED THOUSAND DOLLARS (\$500,000) combined single limit for Bodily Injury and Property Damage Liability, including non-owned Automobile Liability Coverage.

C. Workmen's Compensation Insurance: benefit securing compensation for the benefit of the employees of Landlord in the sum of ONE HUNDRED THOUSAND DOLLARS (\$100,000) (Statutory).

D. Garage Liability Coverage: covering as insured Landlord with no less than ONE MILLION DOLLARS (\$1,000,000) combined single limit for Bodily Injury and Property Damage Liability. The City of Jersey City, its employees, its agents, and servants shall be named as additional insureds.

E. Garage Keepers Liability Coverage: covering as insured Landlord with not less than ONE MILLION DOLLARS (\$1,000,000) combined single limit for Bodily Injury and Property Damage Liability. The City of Jersey City, its employees, its agents, and servants shall be named as additional insureds.

Harwood Corporation may pursue the relief or remedy sought in any invalid clause, by conforming the said clause with the provisions of the status or the regulations of any governmental agency in such case made and provided as if the particular provisions of the applicable statutes or regulations were set forth herein at length.

In all references herein to any parties, persons, entities or corporation the use of any particular gender or the plural or singular number is intended to include the appropriate gender or number as the text of the within instrument may require. All the terms, covenants and conditions herein contained shall be for and shall inure to the benefit of and shall bind the respective parties hereto, and their heirs, executors, administrators, personal or legal representatives, successors and assigns.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals, or caused these presents to be signed by their proper corporate officers and their proper corporate seal to be hereunto affixed, the day and year first above written.

ATTEST:

CITY OF JERSEY CITY

ROBERT BYRNE
City Clerk

ROBERT J. KAKOLESKI
Acting Business Administrator

WITNESS:

HARWOOD CORPORATION

BY: _____

BY: _____

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



ORDINANCE NO. Ord. 13.109

TITLE: 3.J SEP 25 2013 4.I OCT 09 2013

Ordinance authorizing the City of Jersey City to execute a lease agreement with Harwood Corporation for parking spaces located at 2854 Kennedy Boulevard.

RECORD OF COUNCIL VOTE ON INTRODUCTION SEP 25 2013 <u>9-0</u>											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING OCT 09 2013											
Councilperson <u>Coleman</u> moved, seconded by Councilperson <u>Ramchal</u> to close P.H. <u>9-0</u>											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

Jayson Burg

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				WATTERMAN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE OCT 09 2013 <u>9-0</u>											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on SEP 25 2013

Adopted on second and final reading after hearing on OCT 09 2013

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on OCT 09 2013

 Robert Byrne, City Clerk

*Amendment(s):

APPROVED:
 Rolando R. Lavarro, Jr., Council President
 Date OCT 09 2013

APPROVED:
 Steven M. Fulop, Mayor
 Date OCT 15 2013

Date to Mayor OCT 10 2013

City Clerk File No. Ord. 13.110

Agenda No. 3.K 1st Reading

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



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 13.110

TITLE: ORDINANCE AMENDING CHAPTER 182 HEALTH AND SANITATION, ARTICLE IV
(SMOKING) OF THE JERSEY CITY CODE TO PROHIBIT SMOKING IN CITY PARKS

THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY HEREBY ORDAINS:

WHEREAS, the legislature of the State of New Jersey has declared that tobacco is the leading cause of preventable disease and death in the State and that tobacco, including exposure to second hand smoke, constitutes a substantial health hazard to the non-smoking majority of the public; and

WHEREAS, smoking in an indoor public places is already prohibited by State law pursuant to N.J.S.A. 26:3D-58; and

WHEREAS, however, the State expressly authorizes municipalities to enact even stricter ordinances to further regulate smoking pursuant to N.J.S.A. 40:48 and N.J.S.A. 26:3D-63; and

WHEREAS, in addition, N.J.S.A. 2C:33-13B provides that the owner of public places, such as public parks and recreational areas, may prohibit smoking on such property; and

WHEREAS, the appearance of City parks will be enhanced, and the limited resources of the Department of Public Works will be conserved, if smoking is banned from parks, thereby keeping such areas free of the litter typically generated by the smoking of cigarettes, such as cigarette butts, ashes and packaging; and

WHEREAS, the City finds that the prohibition of smoking in the City parks will protect the health, safety and welfare of the public and its employees.

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

A. The following amendments and supplements to Chapter 182 (Health and Sanitation), Article IV (Smoking) and of the Jersey City Code are adopted.

§182-29. ~~Smoking in Council Chambers.~~ Definitions.

~~[No person shall smoke or carry any lighted cigar, cigarette or pipe in the City Council Chambers of City Hall during any meeting of the City Council.]~~

A. For the purposes of this Chapter, the following terms shall have the following meanings:

CITY PARK means any City-owned or leased property designated for public use, including, but not limited to, public playgrounds, baseball diamonds, soccer fields, bleachers and spectator areas, trails, picnic areas, gazebos and other areas set up for active or passive recreation, as well as the streets, parking lots and sidewalks therein.

INTERNATIONAL NO-SMOKING SYMBOL means a pictorial representation of a burning cigarette enclosed in a red circle with a diagonal red line through its cross section.

SMOKING means the burning of, inhaling from, exhaling the smoke from, or the possession of a lighted cigar, cigarette, pipe or any other matter or substance which contains tobacco or any other matter that can be smoked.

ORDINANCE AMENDING CHAPTER 182 HEALTH AND SANITATION, ARTICLE IV (SMOKING) OF THE JERSEY CITY CODE TO PROHIBIT SMOKING IN CITY PARKS

§182-29.1. Smoking Prohibited in City Parks.

A. Smoking shall be prohibited in all City Parks and within a thirty-five (35) foot radius of all entrances to City Parks. Signs with the words "No Smoking" or the International No-Smoking Symbol, shall be clearly and conspicuously posted at the entrances to all City Parks.

§182-29.2. No-Smoking Signs.

All signs shall be located so as to be clearly visible to the public and shall contain letters at least one inch in height stating "No Smoking" or the International No-Smoking Symbol. The letters or symbol should contrast by color with the sign indicating that smoking is prohibited in City parks and within a 35 foot radius of all entrances to City parks. The sign shall also indicate that violators are subject to a fine.

§182-29.3. Enforcement.

This ordinance shall be enforced by the Public Safety Director or his designee or any other person authorized by this Code or under State law.

§182-29.4. Violations and Penalties.

A. A warning may be issued for the first offense.

B. Any person who is convicted of a violation of any section of this chapter shall be punishable as provided in Chapter 1, General Provisions, §1-25.

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

C. This ordinance shall become part of the Jersey City Code as though codified and fully set forth therein. The City shall have this ordinance codified and incorporated in the official copies of the Jersey City Code.

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

E. The City Clerk and the 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 new material is underlined; words in [brackets] are omitted. For purposes of advertising only, new matter is **boldface** and repealed matter by *italics*.

JH/igp/he
9/24/13

APPROVED AS TO LEGAL FORM

APPROVED: _____

Corporation Counsel

APPROVED: _____
Business Administrator

Certification Required
Not Required



STEVEN M. FULOP
MAYOR OF JERSEY CITY

CITY OF JERSEY CITY
DEPARTMENT OF LAW

CITY HALL | 280 GROVE STREET | JERSEY CITY, NJ 07302
P: 201 547 5229 | F: 201 547 5230



JEREMY FARRELL
CORPORATION COUNSEL

MEMORANDUM

TO: Rolando Lavarro, Council President and
Members of the Municipal Council

FROM: Joanne Monahan, Asst. Corporation Counsel

DATE: September 25, 2013

SUBJECT: Ordinance Amending Chapter 182 (Health & Sanitation)
Prohibiting smoking in City parks

As you requested, the above ordinance has been amended to include the following:

- 1) the definition of "City Park" has been clarified;
- 2) "e-cigarette" has been removed from the definition of smoking; and
- 3) the "Penalty" changed to the "General Penalty" in Chapter 1-25 (which is up to a \$1,250 fine; imprisonment for up to 90 days; and community service not to exceed 90 days).

Your cooperation is appreciated.

JM/he

cc: Jeremy Farrell, Corporation Counsel
John Hallanan, Asst. Corporation Counsel



CITY OF JERSEY CITY

OFFICE OF CITY COUNCIL

CITY HALL | 280 GROVE STREET | JERSEY CITY, NJ 07302

P: 201 547 5268 | F: 201 547 4678

ROLANDO LAVARRO, JR.

COUNCIL PRESIDENT

To: Members, Municipal Council

CC: Robert Byrne, City Clerk

From: Rolando R. Lavarro, Jr., Council President

Re: Ordinance 13.110, "Smoke-Free Parks Ordinance"

Date: September 20, 2013

MEMORANDUM

This ordinance (the "Smoke-Free Parks Ordinance") amends Chapter 182 of the Jersey City Code (Health and Sanitation, Article IV (Smoking)) by requiring the City to maintain a one hundred (100%) percent smoke-free environment in and around its municipal parks ("City Parks"). The Smoke-Free Parks Ordinance takes a robust approach to ensuring that City Parks be smoke-free:

- The ordinance creates a 35-foot buffer around all City Park entrances in which smoking is prohibited. *See* proposed §182-29.1(B).
- The ordinance defines City Park as including "any gazebos, streets and sidewalks" that are in "any City-owned or leased property (including any gazebos, streets and sidewalks therein), designated for use as a public playground, baseball diamond, soccer field, bleacher and spectator area, trails, picnic area and other active or passive recreation." *See* proposed §182-29(A) (definition of "City Park").

To provide a sense of its breadth, the proposed ordinance covers all sixty-five (65) of Jersey City's existing municipal parks and recreational areas, spanning one hundred seventy-two (172) acres of park land.

The proposed ordinance contemplates clear signage designating public property as "100% Smoke-Free" that should aid in establishing new norms for residents and creating a self-enforcing policy. Still, it requires that people in violation be subject "to a fine of not less than two hundred fifty dollars (\$250.00) for the first offense; five hundred dollars (\$500.00) for the

second offense; and one thousand dollars (\$1,000.00) for each subsequent offense.” See §182-29.4(B). First-time offenders may simply be provided a warning. See §182-29.4(A). City employees found smoking in a City Parks “may also be subject to discipline in accordance with the provisions of the City’s policies, procedures, labor laws and agreements.” See §182-29.4(C).

State law supports the passage of one hundred (100%) smoke-free municipal property ordinances. The ordinance expands upon existing New Jersey State law (the New Jersey Smoke-Free Air Act, N.J.S.A. 26:3D-55 *et seq.*), which already prohibits smoking *inside* all indoor public places including municipal buildings. The Smoke-Free Air Act allows communities to enact stronger local ordinances on tobacco control. See N.J.S.A. 26:3D-63.

Additionally, State law currently requires local parks and recreational areas to be one hundred (100%) percent smoke-free *during* school district activities: The 2007 N.J. Department of Health and Senior Services Regulation N.J.A.C. 8:6-7.2 prohibits smoking on “playgrounds and recreational places owned by local municipalities, private entities or other individuals during those times when the school district has exclusive use of a portion of such land.” For that reason, the proposed Smoke-Free Parks Ordinance aligns with State law by protecting all youth and adults from secondhand smoke both during and outside of school district activities.

In adopting this ordinance, Jersey City will join six other Hudson County municipalities that have one hundred (100%) percent smoke-free parks, including East Newark, Kearny, North Bergen, Secaucus, Union City, and West New York. In March 2013, the Hudson County Board of Chosen Freeholders voted to prohibit smoking within the Hudson County Park System. Lincoln Park and Washington Park (located on the border of Jersey City and Union City) are already covered under the County’s ordinance. See “Smokefree Parks/Recreation Areas Ordinances in Hudson County,” compiled by Global Advisors on Smoke-Free Policy (GASP) (July 13, 2013) (attached as Exhibit A).

The cost of implementing this ordinance will be virtually non-existent. The N.J. State Department of Health is providing municipalities that adopt Smoke-Free park ordinances free, metal smoke-free park signs. A sample of the signage is attached hereto as Exhibit B. Once the City adopts this ordinance, the Jersey City Department of Health and Human Services will take whatever necessary steps to procure the signs from the State and work with the Department of Public Works to have them installed in all City Parks.

Moreover, the Smoke-Free Parks Ordinance creates sound public health and local environmental policy. Smoke-free outdoor areas protect people from secondhand smoke, especially children and senior citizens with existing respiratory and immune system diseases that make them susceptible to the dangers of secondhand smoke. This policy will also enhance Jersey City’s ability to maintain clean, green, and safe outdoor recreational areas, protect government property from preventable fires and tobacco waste, and reduce maintenance costs by minimizing tobacco litter in recreational areas.

Exhibit A



BREATHE EASY

THIS PUBLIC PROPERTY

is

100% SMOKE-FREE



Tobacco-free

FOR A HEALTHY NEW JERSEY



Exhibit B



GASP

7 Cedar Street, Suite A
Summit, NJ 07901
Phone: (908) 273-9368
Fax: (908) 273-9222
Email: info@njgasp.org
www.njgasp.org

July 17, 2013

Smokefree Parks/Recreation Areas Ordinances in Hudson County:

9 Hudson County municipalities and the County restrict smoking in public parks and recreation areas. **6 of the 9 municipalities have 100% smokefree parks and recreational areas policies: East Newark, Kearny, North Bergen, Secaucus, Union City and West New York.**

East Newark Boro - Enacted on 12/16/2002 by Town Council
No smoking in municipal parks and playgrounds.

Hoboken - Enacted on 1/2/13 by Town Council
No smoking within the boundaries of all City-owned playgrounds, dog runs, and recreational fields.

Hudson County - Enacted on 3/14/12 by Board of Freeholders
No smoking or the use of electronic smoking devices within 50 feet of County recreational facilities, including but not limited to picnic and/or barbeque areas, concession areas, ball fields and sports arenas, tennis courts, volleyball courts, basketball courts or any other venue reserved for sports usage, track and field facilities and seating and observation areas, playgrounds and designated nature walks/bird watching areas. Designated smoking areas may be established near leased structures.

Kearny -
Enacted on 2/26/2008 by Town Council
No smoking within or on any property designated as a playground.

Enacted on 5/27/2008 by Town Council
Amends 2/26/08 ordinance to include additional playing fields.

Enacted on 3/26/2013 by Town Council
No smoking within boundaries of any public park. Does not apply to parking areas or adjoining sidewalks.

North Bergen - Enacted on 3/14/2013 by Town Council
No smoking including the use of electronic smoking devices in all Township-owned parks, playgrounds, recreational areas, ball fields and all property owned by the Township upon which the public is invited, permitted or gathers.

Secaucus -
Enacted on 4/23/2002 by Town Council
No smoking at Buchmuller Park, Little League, Shetik Soccer, Mill Ridge Soccer and Softball fields, Swim Center, Ice Rink.

Enacted on 3/12/2013 by Town Council

No smoking including the use of electronic smoking devices at all town parks and recreation areas, including parking areas and drive aisles.

Union City - Enacted on 7/15/2002 by Town Council

No smoking within and immediately adjacent to parks and recreation areas.

Weehawken - Enacted 6/23/04 by Town Council

No smoking at playgrounds.

West New York -

Enacted on 3/21/2001 by Town Council

No smoking at Miller Stadium.

Enacted on 6/19/2002 by Town Council

No smoking at playground areas.

Enacted on 6/19/2013 by Town Council

No smoking in any municipal parks or recreation areas.

Hudson County municipalities that have outdoor smokefree setback zones around municipal property:

Bayonne City - Enacted on 9/1/1998 by Town Council

No smoking within 10 feet of entrances/exits to government buildings.

Hoboken City - Enacted on 9/5/2012 by Town Council

No smoking within 25 feet of any entrance to or air intake duct on any building, and within any outdoor courtyard or atrium on any property owned, rented or leased by the City.

Hudson County - Enacted on 3/14/12 by Board of Freeholders

No smoking or the use of electronic smoking devices within 50 feet of entrances and exits of County buildings.

Secaucus Town - Enacted on 3/12/2013 by Town Council

No smoking including the use of electronic smoking devices within 35 feet of the front entrance of all municipal buildings.

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



ORDINANCE NO. Ord. 13.110
 TITLE: 3.K SEP 25 2013 4.J OCT 09 2013

Ordinance amending Chapter 182 (Health and Sanitation),
 Article IV (Smoking) of the Jersey City Code to prohibit
 smoking in City Parks.

RECORD OF COUNCIL VOTE ON INTRODUCTION SEP 25 2013 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING OCT 09 2013 9-0											
Councilperson <u>Coleman</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	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

Laura Skolar
 Jayson Burg
 Karen Blumenfeld
 Cindy Meankem
 Nabil Youssef

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				WATTERMAN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE OCT 09 2013 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

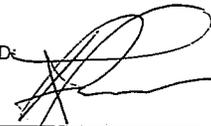
Adopted on first reading of the Council of Jersey City, N.J. on SEP 25 2013

Adopted on second and final reading after hearing on OCT 09 2013

This is to certify that the foregoing Ordinance was adopted by
 the Municipal Council at its meeting on OCT 09 2013

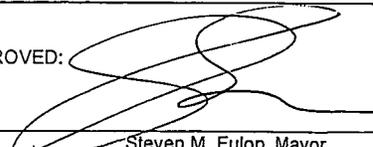
 Robert Byrne, City Clerk

*Amendment(s):

APPROVED: 

 Rolando R. Lavarro, Jr., Council President

Date OCT 09 2013

APPROVED: 

 Steven M. Fulop, Mayor

Date OCT 15 2013

Date to Mayor OCT 10 2013

City Clerk File No. Ord. 13.111

Agenda No. 3.L 1st Reading

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



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 13.111

TITLE: ORDINANCE APPROVING 1) THE SALE OF THE PROJECT FROM SALEM-LAFAYETTE COMMUNITY DEVELOPMENT CORPORATION TO SALEM LAFAYETTE URBAN RENEWAL, L.P.; AND 2) A 30 YEAR TAX EXEMPTION FOR NEW IMPROVEMENTS TO BE CONSTRUCTED BY SALEM LAFAYETTE URBAN RENEWAL, L.P., AN URBAN RENEWAL ENTITY, PURSUANT TO THE LONG TERM TAX EXEMPTION LAW N.J.S.A. 40A:20-1 ET SEQ. AND 3) RESCINDING THE TAX EXEMPTION APPROVAL BY RESOLUTION ADOPTED ON OCTOBER 5, 1976.

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

WHEREAS, Salem Lafayette Community Development Corporation and the City of Jersey City executed a tax exemption agreement on October 26, 1976 pursuant to the Limited Dividend Nonprofit Housing Corporation Law, N.J.S.A. 55:16-1 et seq.; and

WHEREAS, Salem Lafayette Urban Renewal, L.P. (Entity), 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.; and

WHEREAS, the Entity has a contract to purchase certain property known as Block 18601, Lots 24 & 27; Block 18702, Lots 27, 28 & 29; Block 19601, Lot 1; and Block 19604, Lot 2, on the City's Official Tax map, more commonly known by the street addresses of 37 and 29 Monticello Avenue; 98, 102 and 106 Harmon Street; 94 Union Street, 95-129 Union Street, respectively, and more specifically described by metes and bounds, in the application (Property) from Salem Lafayette Community Development Corporation for the sum of \$65,000,000 (sixty-five million dollars); and

WHEREAS, the Property is located within the Jackson Avenue Redevelopment Plan Area as required by N.J.S.A. 40A:20-4 and N.J.S.A. 40A:12A-5(g).; and

WHEREAS, there currently exists a 40 year exemption on the existing structures, pursuant to Resolution dated October 5, 1976, which expires in 2016; and

WHEREAS, on August 19, 2013, and with the written consent of the present owner, Salem Lafayette Community Development Corporation, the Entity applied for approval of the sale and for a 30 year long term tax exemption to construct \$22,000,000 (twenty-two million dollars) in new improvements to the existing 412 unit affordable housing Project; and

WHEREAS, the new tax exemption will generate a service charge equal to 6.28% of annual gross revenue plus conventional taxes on the existing improvements; and

WHEREAS, upon adoption of the within ordinance, the current tax exemption on the existing structures will terminate, and the Resolution adopted on October 5, 1976 will be rescinded; and

WHEREAS, upon the termination of the October 5, 1976 tax exemption, the new owner Salem Lafayette Urban Renewal, L.P., will begin paying conventional real estate taxes on the existing structures plus a service charge on the new improvements; and

WHEREAS, this additional section and subsidy is generated by the Department of Housing and Urban Development (HUD) and will not result in any rent increase to the tenants; and

WHEREAS, because the Project is an affordable housing project, the City is authorized to exempt land taxes pursuant to N.J.S.A. 40A:20-9(h) and N.J.S.A. 40A:20-12; and

WHEREAS, major capital improvements have not been made to the buildings in at least 36 years although these major improvements are needed to modernize the buildings and keep them safe and habitable; and

WHEREAS, as a condition for constructing the improvements, the Entity will receive an additional Section 8 subsidy, which will pay the City an additional \$150,000 in Annual Service Charge; and

WHEREAS, Salem Lafayette Urban Renewal, L.P., has agreed to:

1. pay the greater of (i) the Minimum Annual Service Charge or (ii) 6.28% of Annual Gross Revenue, which sum is estimated to be \$536,139, and which shall be subject to statutory staged increases over the term of the tax exemption plus \$145,064 in conventional taxes on the existing structure but not the new improvements and conventional taxes on the existing improvement for a total of \$681,203; and
2. pay an annual sum equal to 0.5% of each prior year's Annual Service Charge as an Administrative Fee estimated at approximately \$2,680; and
3. provide employment and other economic opportunities for City residents and businesses; and
4. pay to the City, for remittance to Hudson County, an amount equal to 5% of the Annual Service Charge upon receipt of that charge, which the parties estimate to be \$26,807; and

WHEREAS, the City hereby determines that the relative benefits of the project outweigh the cost of the tax exemption, for the following reasons:

1. presently, the Annual Service Charge is \$390,000; however, upon completion, conventional real estate taxes on the existing improvements will generate \$145,064; the land will remain tax exempt; the new improvements will generate an Annual Service Charge estimated to be \$536,139, for a total of more than \$681,203 to the City;
2. it is expected that the Project will create approximately 150 jobs during construction;
3. the Project will stabilize and contribute to the economic growth of businesses in the surrounding area;
4. the Project will further the overall redevelopment objectives of the Jackson Avenue Redevelopment Plan;
5. the project will retain 412 units of low income affordable housing *for a total of 30 years*, which advances an inherently beneficial public purpose notwithstanding that the City's impact analysis, on file with the Office of the City Clerk, indicates that the service charge will not support the cost of providing municipal services to the Project but it will not exacerbate the disparity; and

WHEREAS, the City hereby determines that the tax exemption is important in obtaining development of the project and influencing the locational decisions of probable occupants for the following reasons:

1. the relative stability and predictability of the Annual Service Charges will make the Project more attractive to investors needed to finance the Project;

2. the relative stability and predictability of the Annual Service Charges will allow the owner to stabilize its operating budget, allowing a high level of maintenance to the building over the life of the Project, which will attract tenants to the Project and insure the likelihood of the success of the Project; and

WHEREAS, Salem Lafayette Urban Renewal, L.P., has initially complied with Executive Order 2002-005 concerning "Disclosure of Lobbyist Representative Status" by filing a letter in the Office of the City Clerk; and

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

A. The application of Salem Lafayette Urban Renewal, L.P., 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 Block 18601, Lots 24 & 27; Block 18702, Lots 27, 28 & 29; Block 19601, Lot 1; and Block 19604, Lot 2, more commonly known by the street addresses of 37 and 29 Monticello Avenue; 98, 102 and 106 Harmon Street; 95-129 Union Street and 94 Union Street, respectively, and more specifically described by metes and bounds in the application, from Salem Lafayette Community Development Corporation for a tax exemption and sale of the Project for \$65,000,000 is hereby approved.

B. The Mayor or Business Administrator is hereby authorized to execute a tax exemption Financial Agreement and a Project Employment and Contracting Agreement for the new improvements, only. The Financial Agreement shall include at a minimum the following terms and conditions:

1. Term: *30 years from the date the within Ordinance is adopted;*
2. Annual Service Charge: each year the greater of:
 - (a) the Minimum Annual Service Charge equal to \$536,139 upon Project Completion, whether or not the Project is occupied; or
 - (b) 6.28% of Annual Gross Revenue, estimated at \$536,139, plus conventional taxes on the existing improvements of approximately \$145,064 annually which shall be subject to statutory increases during the term of the tax exemption and which shall not be a credit against the Annual Service Charge, for a total of \$681,203.
3. Administrative Fee: 0.5% of the prior year's Annual Service Charge or \$2,680; and
4. Hudson County: an amount equal to 5% of the Annual Service Charge estimated to be \$26,807 upon receipt of that charge from the Entity; and
5. An obligation to execute a Project Employment and Contracting Agreement to insure employment and other economic benefits to City residents and businesses.
6. An obligation to pay conventional real estate taxes on the existing structure, once the previous tax exemption ordinance is rescinded.
7. This Ordinance will sunset and the Tax Exemption will terminate unless construction of the new improvements Project begins within two (2) years of the adoption of the within Ordinance.

C. The application is on file with the office of the City Clerk. The Financial Agreement and Project Employment and Contracting 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.

D. All ordinances and parts of ordinances inconsistent herewith including the Resolution adopted on October 5, 1976 that approved a tax exemption for the same property for the Salem Lafayette Community Development Corp. are hereby repealed.

E. 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.

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

G. 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*.

DJ/kn/he
9/25/13

APPROVED AS TO LEGAL FORM

APPROVED: _____

Corporation Counsel

APPROVED: _____
Business Administrator

Certification Required
Not Required

Rev.9-23-13

Long Term Tax Exemption

N.J.S.A. 40A:20-1, et seq.

(New Affordable Res Rental FA)

Re: Approximately 314,396 Square Feet of land
Block 19601, Lot 1 & Block 19604, Lot (94 & 95-129 Union Street) Main Parcel
Block 18601, Lots 24 & 27 (29 and 37 Monticello Avenue) Satellite Parcels
Block 18702, Lots 27,27 & 29 (98, 102 and 106 Harmon Street) Satellite Parcels

PREAMBLE

THIS FINANCIAL AGREEMENT, [Agreement] is made the ___ day of ____, 2013, by and between **SALEM LAFAYETTE URBAN RENEWAL, L.P.**, 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., having its principal office at c/o National Foundation for Affordable Housing Solutions, Inc., 11200 Rockville Pike, Suite 250, Rockville, Maryland 20852 [Entity], and the **CITY OF JERSEY CITY**, a Municipal Corporation of the State of New Jersey, having its principal office at 280 Grove Street, Jersey City, New Jersey 07302 [City].

RECITALS

WITNESSETH:

WHEREAS, Salem Lafayette Community Development Corporation and the City of Jersey City executed a tax exemption agreement on October 26, 1976 pursuant to the Limited Dividend Nonprofit Housing Corporation Law, N.J.S.A. 55:16-1 et seq.; and

WHEREAS, Salem Lafayette Urban Renewal, L.P. (Entity), 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.; and

WHEREAS, the Entity has a contract to purchase certain property known as Block 18601, Lots 24 & 27; Block 18702, Lots 27, 28 & 29; Block 19601, Lot 1; and Block 19604, Lot 2, on the City's Official Tax map, more commonly known by the street addresses of 37 and 29 Monticello Avenue; 98, 102 and 106 Harmon Street; 94 Union Street, 95-129 Union Street, respectively, and more specifically described by metes and bounds, in the application (Property) from Salem Lafayette Community Development Corporation for the sum of \$65,000,000 (sixty-five million dollars); and

WHEREAS, the Property is located within the Jackson Avenue Redevelopment Plan Area as required by N.J.S.A. 40A:20-4 and N.J.S.A. 40A:12A-5(g).; and

WHEREAS, there currently exists a 30 year exemption on the existing structures, pursuant to Resolution dated October 5, 1976, which expires in 2016; and

WHEREAS, on August 19, 2013, and with the written consent of the present owner, Salem Lafayette Community Development Corporation, the Entity applied for approval of the sale and for a 30 year long term tax exemption to construct \$22,000,000 (twenty-two million dollars) in new improvements to the existing 412 unit affordable housing Project; and

WHEREAS, the new tax exemption will generate a service charge equal to 6.28% of annual gross revenue plus conventional taxes on the existing improvements; and

WHEREAS, upon adoption of the within ordinance, the current tax exemption on the existing structures will terminate, and the Resolution adopted on October 5, 1976 will be rescinded; and

WHEREAS, upon the termination of the October 5, 1976 tax exemption, the new owner Salem Lafayette Urban Renewal, L.P., will begin paying conventional real estate taxes on the existing structures plus a service charge on the new improvements; and

WHEREAS, this additional section and subsidy is generated by the Department of Housing and Urban Development (HUD) and will not result in any rent increase to the tenants; and

WHEREAS, because the Project is an affordable housing project, the City is authorized to exempt land taxes pursuant to N.J.S.A. 40A:20-9(h) and N.J.S.A. 40A:20-12; and

WHEREAS, major capital improvements have not been made to the buildings in at least 36 years although these major improvements are needed to modernize the buildings and keep them safe and habitable; and

WHEREAS, as a condition for constructing the improvements, the Entity will receive an additional Section 8 subsidy, which will pay the City an additional \$150,000 in Annual Service Charge; and

WHEREAS, by the adoption of Ordinance _____ on _____, 2013, the Municipal Council approved a long term tax exemption for the Project and authorized the execution of a Financial Agreement; and

WHEREAS, the City made the following findings:

A. Relative Benefits of the Project when compared to the costs:

1. the current Annual Service Charge generates revenue of only \$390,000 on the existing structure and improvements, whereas, the Annual Service charge on the proposed improvements as estimated, will generate revenue to the City of approximately \$536,139, and in addition, conventional real estate taxes on the existing structure of \$145,064;
2. it is expected that the Project will create approximately 150 new construction jobs and 5-8 new permanent full time jobs;
3. the project should stabilize and contribute to the economic growth of existing local business and to the creation of new businesses, which cater to the new occupants;
4. the project provides 412 units of affordable housing which advances an inherently beneficial public purpose notwithstanding that the City's impact analysis, on file with the Office of the City Clerk, indicates that the service charge will not support the cost of providing municipal services to the Project; and

B. Assessment of the Importance of the Tax Exemption in obtaining development of the project and influencing the locational decisions of probable occupants:

1. the relative stability and predictability of the annual service charges will make the Project more attractive to investors and lenders needed to finance the Project; and
2. the relative stability and predictability of the service charges will allow the owner to stabilize its operating budget, allowing a high level of maintenance to the building over the life of the Project, which will attract occupants to the Project, insure the likelihood of stabilized rents to tenants and the success of the Project; and
3. have a positive impact on the surrounding area.

NOW, THEREFORE, in consideration of the mutual covenants herein contained, and for other good and valuable consideration, it is mutually covenanted and agreed as follows:

ARTICLE I - GENERAL PROVISIONS

Section 1.1 Governing Law

This Agreement shall be governed by the provisions of the Long Term Tax Exemption Law, as amended and supplemented, N.J.S.A. 40A:20-1 et seq., Executive Order of the Mayor, _____, Disclosure of Lobbyist Status, Ordinance 02-075, and Ordinance _____, which authorized the execution of this Agreement. It being expressly understood and agreed that the City expressly relies upon the facts, data, and representations contained in the Application, attached hereto as Exhibit 3, in granting this tax exemption.

Section 1.2 General Definitions

Unless specifically provided otherwise or the context otherwise requires, when used in this Agreement, the following terms shall have the following meanings:

- i. Allowable Net Profit- The amount arrived at by applying the Allowable Profit Rate to Total Project Cost pursuant to N.J.S.A. 40A:20-3(c).
- ii. Allowable Profit Rate - The greater of 12% or the percentage per annum arrived at by adding 1.25% to the annual interest percentage rate payable on the Entity's initial permanent mortgage financing. If the initial permanent mortgage is insured or guaranteed by a governmental agency, the mortgage insurance premium or similar charge, if payable on a per annum basis, shall be considered as interest for this purpose. If there is no permanent mortgage financing, or if the financing is internal or undertaken by a related party, the Allowable Profit Rate shall be the greater of 12% or the percentage per annum arrived at by adding 1.25% per annum to the interest rate per annum which the municipality determines to be the prevailing rate on mortgage financing on comparable improvements in Hudson County. The provisions of N.J.S.A. 40A:20-3(b) are incorporated herein by reference.
- iii. Annual Gross Revenue Any and all revenue derived from or generated by the Project of whatever kind or amount, whether received as rent from any tenants or income or fees from third parties, including but not limited to fees or income paid or received for parking, or as user fees or for any other services. No deductions will be allowed for operating or maintenance costs, including, but not limited to gas, electric, water and sewer, other utilities, garbage removal and insurance charges, whether paid for by the landlord, tenant or a third party.

iv. Annual Service Charge - The amount the Entity has agreed to pay the City each year for municipal services supplied to the Project, which sum is in lieu of any taxes on the Improvements, pursuant to N.J.S.A. 40A:20-12. It shall include a payment for all annual excess profit.

v. Auditor's Report - A complete annual financial statement outlining the financial status of the Project, which shall also include a certification of Total Project Cost and clear computation of the annual Net Profit. The contents of the Auditor's Report shall have been prepared in conformity with generally accepted accounting principles and shall contain at a minimum the following: a balance sheet, a statement of income, a statement of retained earnings or changes in stockholders' equity, a statement of cash flows, descriptions of accounting policies, notes to financial statements and appropriate schedules and explanatory material results of operations, cash flows and any other items required by Law. The Auditor's Report shall be certified as to its conformance with such principles by a certified public accountant who is licensed to practice that profession in the State of New Jersey.

vi. Certificate of Occupancy - A document, whether temporary or permanent, issued by the City authorizing occupancy of a building, in whole or in part, pursuant to N.J.S.A. 52:27D-133.

vii. Debt Service - The amount required to make annual payments of principal and interest or the equivalent thereof on any construction mortgage, permanent mortgage or other financing including returns on institutional equity financing and affordable related party debt for the Project for a period equal to the term of this Agreement.

viii. Default - Shall be a breach of or the failure of the Entity to perform any obligation imposed upon the Entity by the terms of this Agreement, or under the Law, beyond any applicable grace or cure periods.

ix. Entity - The term Entity within this Agreement shall mean Salem Lafayette Urban Renewal, L.P., which Entity is formed and qualified pursuant to N.J.S.A. 40A:20-5. It shall also include any subsequent purchasers or successors in interest of the Project, provided they are formed and operate under the Law.

x. Improvements or Project - Any new building, structure or fixture permanently affixed to the land and to be constructed, improved, rehabilitated or renovated and tax exempted under this Agreement.

xi. In Rem Tax Foreclosure or Tax Foreclosure - A summary proceeding by which the City may enforce a lien for taxes due and owing by tax sale, under N.J.S.A. 54:5-1 to 54:5-129 et seq.

xii. Land Taxes - The amount of taxes assessed on the value of land, on which the project is located and, if applicable, taxes on any pre-existing improvements. Land Taxes are exempt because this is an affordable housing Project, and the City is authorized to exempt the land pursuant to N.J.S.A. 40A:20-9(h) and N.J.S.A. 40A:20-12.

xiii. Land Tax Payments - Payments made on the quarterly due dates, including approved grace periods if any, for Land Taxes as determined by the Tax Assessor and the Tax Collector.

xiv. Law - Law shall refer to the Long Term Tax Exemption Law, as amended and supplemented, N.J.S.A. 40A:20-1, et seq.; Executive Order of Mayor Fulop _____, relating to long term tax exemption, as it may be supplemented; Ordinance 02-075 requiring Disclosure of Lobbyist Status and Ordinance _____, which authorized the execution of this Agreement and all other relevant Federal, State or City statutes, ordinances, resolutions, rules and regulations.

xv. Minimum Annual Service Charge - The Minimum Annual Service Charge shall be the greater of: (a) the amount of the total taxes levied against all real property in the area covered by the Project in the last full tax year in which the area was subject to taxation, or in the event the property was tax exempt, then the amount of the taxes that would have been assessed had the property been subject to conventional taxation], which amount the parties agree is \$390,000; or (b) the sum of \$536,139 per year, in the year in which Substantial Completion of the new improvements occurs and this Agreement terminates.

Following Substantial Completion, the Minimum Annual Service Charge set forth in subsection (b) shall be paid in each year in which the Annual Service Charge, calculated pursuant to N.J.S.A. 40A:20-12 or this Agreement, would be less than the Minimum Annual Service Charge.

xvi. Net Profit - The Annual Gross Revenues of the Entity less all annual operating and non-operating expenses of the Entity, all determined in accordance with generally accepted accounting principles, but:

(1) there shall be included in expenses: (a) all Annual Service charges paid pursuant to N.J.S.A. 40A:20-12; (b) all annual payments to the City of excess profits pursuant to N.J.S.A.

40A:20-15 or N.J.S.A. 40A:20-16; (c) an annual amount sufficient to amortize (utilizing the straight line method-equal annual amounts) the Total Project Cost and all capital costs determined in accordance with generally accepted accounting principles, of any other entity whose revenue is included in the computation of excess profits over the term of this agreement; (d) all reasonable annual operating expenses of the Entity and any other entity whose revenue is included in the computation of excess profits including the cost of all management fees, brokerage commissions, insurance premiums, all taxes or service charges paid, legal, accounting, or other professional service fees, utilities, building maintenance costs, building and office supplies and payments into repair or maintenance reserve accounts; (e) all payments of rent including but not limited to ground rent by the Entity; (f) all debt service; and

(2) there shall not be included in expenses either depreciation or obsolescence, interest on debt, except interest which is part of debt service, income taxes or salaries, bonuses or other compensation paid, directly or indirectly to directors, officers and stockholders of the entity, or officers, partners or other persons holding a proprietary ownership interest in the entity.

xvii. Pronouns - He or it shall mean the masculine, feminine or neuter gender, the singular, as well as the plural, as context requires.

xviii. Substantial Completion - The determination by the City that the Project, in whole or in part, is ready for the use intended, which ordinarily shall mean the first date on which the Project receives, or is eligible to receive, any Certificate of Occupancy whether temporary or permanent for any portion of the Project.

xix. Termination - Any act or omission which by operation of the terms of this Financial Agreement shall cause the Entity to relinquish its tax exemption.

xx. Total Project Cost - The total cost of constructing the new Project through the date a Certificate(s) of Occupancy is issued for the entire Project, which categories of cost are set forth in N.J.S.A. 40A:20-3(h). There shall be included from Total Project Cost the actual costs incurred by the Entity and certified by an independent and qualified architect or engineer, which are associated with site remediation and cleanup of environmentally hazardous materials or contaminants in accordance with State or Federal law and any extraordinary costs incurred including the cost of demolishing structures, relocation or removal of public utilities, cost of relocating

displaced residents or buildings and the clearing of title. The Entity agrees that final Total Project Cost shall not be less than its estimated Total Project Cost.

ARTICLE II - APPROVAL

Section 2.1 Approval of Tax Exemption

The City hereby grants its approval for a tax exemption for all the Improvements to be constructed and maintained in accordance with the terms and conditions of this Agreement and the provisions of the Law which Improvements shall be constructed on certain property known on the Official Tax Assessor's Map of the City as: Block 19601, Lot 1 & Block 19604, Lot , more commonly known by the street addresses of 94 & 95-129 Union Street (Main Campus); Block 18601, Lots 24 & 27, more commonly known by the street addresses of 29 and 37 Monticello Avenue (Satellite Parcels); and Block 18702, Lots 27,27 & 29, more commonly known by the street addresses of 98, 102 and 106 Harmon Street (Satellite Parcels), Jersey City, and described by metes and bounds in Exhibit 1 attached hereto.

Section 2.2 Approval of Entity

Approval is granted to the Entity whose Certificate of Formation is attached hereto as Exhibit 4. Entity represents that its Certificate contains all the requisite provisions of the Law; has been reviewed and approved by the Commissioner of the Department of Community Affairs; and has been filed with, as appropriate, the Office of the State Treasurer or Office of the Hudson County Clerk, all in accordance with N.J.S.A. 40A:20-5.

Section 2.3 Improvements to be Constructed

Entity represents that it will construct a 412 unit multi-family affordable rental housing complex located at multiple addresses to be comprised of a fifteen (15) story building containing approximately one hundred eighty-two (182) of age-restricted affordable residential rental units; five (5) low rise buildings containing approximately one hundred eighty (180) affordable residential rental units; and five (5) low rise buildings containing approximately fifty (50) rehabilitated two-story and three-story units; all of which is specifically described in the Application attached hereto as Exhibit 3.

Section 2.4 Construction Schedule

The Entity agrees to diligently undertake to commence construction and complete the Project in accordance with the Estimated Construction Schedule, attached hereto as Exhibit 5, and in compliance with any Redevelopment Agreement.

Section 2.5 Ownership, Management and Control

The Entity represents that it is the owner of the property upon which the Project is to be constructed. Upon construction, the Entity represents that the Improvements will be used, managed and controlled for the purposes set forth in this Agreement and any Redevelopment Agreement.

Section 2.6 Financial Plan

The Entity represents that the Improvements shall be financed in accordance with the Financial Plan attached hereto as Exhibit 6. The Plan sets forth a good faith estimate of Total Project Cost, the amortization rate on the Total Project Cost, the source of funds, the interest rates to be paid on construction financing, the source and amount of paid-in capital, and the terms of any mortgage amortization.

Section 2.7 Good Faith Estimate of Initial Sale Prices or Rents

The Entity represents that its good faith projections of the initial rents and other revenue to the Project are set forth in Exhibit 7.

ARTICLE III - DURATION OF AGREEMENT

Section 3.1 Term

So long as there is compliance with the Law and this Agreement, it is understood and agreed by the parties hereto that this Agreement shall remain in effect for the earlier of 30 years from the date of the adoption of Ordinance _____ on _____, 2013, which approved the tax exemption. The tax exemption shall only be effective during the period of usefulness of the Project and shall continue in force only while the Project is owned by a corporation or association formed and operating under the Law.

ARTICLE IV - ANNUAL SERVICE CHARGE

Section 4.1 Annual Service Charge

In consideration of the tax exemption, the Entity shall make the following annual payments to the City for services provided to the Project:

i. City Service Charge: an amount equal to the greater of: the Minimum Annual Service Charge or an Annual Service Charge equal to 6.28% of the Annual Gross Revenue for the entire term of the exemption. The Annual Service Charge shall be billed initially based upon the Entity's estimates of Annual Gross Revenue, attached hereto as Exhibit 6. Thereafter, the Annual Service Charge shall be adjusted in accordance with this Agreement. The Annual Service Charge shall be paid on the new improvements and is separate and apart from conventional taxes on the existing improvements.

ii. County Service Charge: an amount equal to 5% of the Municipal Annual Service Charge shall be paid to the City and remitted by the City to the County.

iii. A Minimum Annual Service Charge shall be due beginning on the effective date of this Agreement. The City and County Annual Service Charge shall be due on the first day of the month following the Substantial Completion of the Project. In the event the Entity fails to timely pay the Minimum Annual Service Charge or the Annual Service Charge, the unpaid amount shall bear the highest rate of interest permitted in the case of unpaid taxes or tax liens on land until paid.

Section 4.2 Staged Adjustments

The Annual Service Charge shall be adjusted, in Stages over the term of the tax exemption in accordance with N.J.S.A. 40A:20-12(b) as follows:

i. Stage One: From the 1st day of the month following Substantial Completion until the last day of the 15th year, the Annual Service Charge shall be 10% of Annual Gross Revenue;

ii. Stage Two: Beginning on the 1st day of the 16th year following Substantial Completion until the last day of the 21st year, an amount equal to the greater of the Annual Service Charge or 20% of the amount of the taxes otherwise due on the assessed value of the land and Improvements;

iii. Stage Three: Beginning on the 1st day of the 22nd year following the Substantial Completion until the last day of the 27th year, an amount equal to the greater of the Annual Service Charge or 40% of the amount of the taxes otherwise due on the assessed value of the land and Improvements;

iv. Stage Four: Beginning on the 1st day of the 28th year following Substantial Completion until the last day of the 29th year, an amount equal to the greater of the Annual Service

Charge or 60% of the amount of the taxes otherwise due on the assessed value of the land and Improvements.

v. Final Stage: Beginning on the 1st day of the 30th year following Substantial Completion through the date the tax exemption expires, an amount equal to the greater of the Annual Service Charge or 80% of the amount of the taxes otherwise due on the assessed value of the land and Improvements.

Section 4.3 Land Tax

Pursuant to to N.J.S.A. 40A:20-9(h) and N.J.S.A. 40A:20-12, because the Project is an affordable housing project, the City is authorized to exempt the land.

Section 4.4 Quarterly Installments / Interest

The Entity expressly agrees that the Annual Service Charge shall be made in quarterly installments on those dates when real estate tax payments are due; subject, nevertheless, to adjustment for over or underpayment within thirty (30) days after the close of each calendar year. In the event that the Entity fails to pay the Annual Service Charge or any other charge due under this agreement, the unpaid amount shall bear the highest rate of interest permitted in the case of unpaid taxes or tax liens on the land until paid in full.

Section 4.5 Administrative Fee

The Entity shall also pay an annual Administrative Fee to the City in addition to the Annual Service Charge and Land Tax levy. The Administrative Fee shall be calculated as half of one (0.5%) percent of each prior year's Annual Service Charge. This fee shall be payable and due on or before December 31st of each year, and collected in the same manner as the Annual Service Charge.

Section 4.6 Material Conditions

It is expressly agreed and understood that the timely payments of Land Taxes, Minimum Annual Service Charges, Annual Service Charges, including adjustments thereto, Administrative Fees, and any interest thereon, are Material Conditions of this Agreement.

ARTICLE V - PROJECT EMPLOYMENT AND CONTRACTING AGREEMENT

Section 5.1 Project Employment and Contracting Agreement

In order to provide City residents and businesses with certain employment and other economic related opportunities, the Entity is subject to the terms and conditions of the Project Employment and Contracting Agreement, attached hereto as Exhibit 8.

ARTICLE VI - CERTIFICATE OF OCCUPANCY

Section 6.1 Certificate of Occupancy

It is understood and agreed that it shall be the obligation of the Entity to obtain all Certificates of Occupancy in a timely manner so as to complete construction in accordance with the proposed construction schedule attached hereto as Exhibit 5. The failure to secure the Certificates of Occupancy shall subject the Property to full taxation for the period between the date of Substantial Completion and the date the Certificate of Occupancy is obtained.

Section 6.2 Filing of Certificate of Occupancy

It shall be the primary responsibility of the Entity to forthwith file with both the Tax Assessor and the Tax Collector a copy of each Certificate of Occupancy.

Failure of the Entity to file such issued Certificate of Occupancy as required by the preceding paragraph, shall not militate against any action or non-action, taken by the City, including, if appropriate retroactive billing with interest for any charges determined to be due, in the absence of such filing by the Entity.

ARTICLE VII - ANNUAL REPORTS

Section 7.1 Accounting System

The Entity agrees to maintain a system of accounting and internal controls established and administered in accordance with generally accepted accounting principles.

Section 7.2 Periodic Reports

A. Auditor's Report: Within ninety (90) days after the close of each fiscal or calendar year, depending on the Entity's accounting basis that the Agreement shall continue in effect, the Entity shall submit to the Mayor and Municipal Council and the NJ Division of Local Government Services in the Department of Community Affairs, its Auditor's Report for the preceding fiscal or calendar year. The Auditor's Report shall include, but not be limited to gross revenue, and the terms and interest rate on any mortgage(s) associated with the purchase or construction of the Project and such details as may relate to the financial affairs of the Entity and to its operation and performance

hereunder, pursuant to the Law and this Agreement. The Report shall clearly identify and calculate the Net Profit for the Entity during the previous year, the excess of which shall be paid to the City each year an excess profit is generated.

B. Total Project Cost Audit: Within ninety (90) days after Substantial Completion of the Project, the Entity shall submit to the Mayor, Municipal Council, the Tax Collector and the City Clerk, who shall advise those municipal officials required to be advised, an audit of Total Project Cost, including but not limited to an audit of actual construction costs as certified by the Project architect.

C. Disclosure Statement: On the anniversary date of the execution of this Agreement, and each and every year thereafter while this agreement is in effect, the Entity shall submit to the Municipal Council, the Tax Collector and the City Clerk, who shall advise those municipal officials required to be advised, a Disclosure Statement listing the persons having an ownership interest in the Project, and the extent of the ownership interest of each and such additional information as the City may request from time to time. All disclosures shall include ownership interests of the individual persons owning any corporate interest in the Entity.

Section 7.3 Inspection/Audit

The Entity shall permit the inspection of its property, equipment, buildings and other facilities of the Project and, if deemed appropriate or necessary, any other related Entity by representatives duly authorized by the City or the NJ Division of Local Government Services in the Department of Community Affairs. It shall also permit, upon request, examination and audit of its books, contracts, records, documents and papers. Such examination or audit shall be made during the reasonable hours of the business day, in the presence of an officer or agent designated by the Entity for any year during which the tax exemption financial agreement was in full force and effect.

All costs incurred by the City to conduct a review of the Entity's audits, including reasonable attorneys' fees if appropriate, shall be billed to the Entity and paid to the City as part of the Entity's Annual Service Charge. Delinquent payments shall accrue interest at the same rate as for a delinquent service charge.

ARTICLE VIII- LIMITATION OF PROFITS AND RESERVES

Section 8.1 Limitation of Profits and Reserves

During the period of tax exemption as provided herein, the Entity shall be subject to a limitation of its profits pursuant to the provisions of N.J.S.A. 40A:20-15.

The Entity shall have the right to establish a reserve against vacancies, unpaid rentals, and reasonable contingencies in an amount equal to five (5%) percent of the Gross Revenue of the Entity for the last full fiscal year preceding the year and may retain such part of the Excess Net Profits as is necessary to eliminate a deficiency in that reserve, as provided in N.J.S.A. 40A:20-15. The reserve is to be non-cumulative, it being intended that no further credits thereto shall be permitted after the reserve shall have attained the allowable level of five (5%) percent of the preceding year's Gross Revenue. Pursuant to N.J.S.A. 40A:20-14(b) there is expressly excluded from the calculation of Gross Revenue and Net Profit in the determination of Excess Profit, any gain realized by the Entity on the sale of any condominium unit, whether or not taxable under federal or state law.

Section 8.2 Annual Payment of Excess Net Profit

In the event the Net Profits of the Entity, in any year, exceeds the Allowable Net Profits for such year, then the Entity, within one hundred and twenty (120) days after the end of the year, shall pay such excess Net Profits to the City as an additional annual service charge; provided, however, that the Entity may maintain a reserve as determined pursuant to aforementioned paragraph 8.1. The calculation of the Entity's Excess Net Profits shall include those project costs directly attributable to site remediation and cleanup expenses and any other costs excluded in the definition of Total Project Cost in Section 1.2 (xx) of this Agreement even though those costs may have been deducted from the project costs for purposes of calculating the annual service charge.

Section 8.3 Payment of Reserve/ Excess Net Profit Upon Termination, Expiration or Sale

The date of termination, expiration or sale shall be considered to be the close of the fiscal year of the Entity. Within ninety (90) days after such date, the Entity shall pay to the City the amount of the reserve, if any, maintained by it pursuant to this section and the balance of the Excess Net Profit, if any.

ARTICLE IX - ASSIGNMENT AND/OR ASSUMPTION

Section 9.1 Approval of Sale

Any sale or transfer of the Project, shall be void unless approved in advance by Ordinance of the Municipal Council. It is understood and agreed that the City, on written application by the

Entity, will not unreasonably withhold its consent to a sale of the Project and the transfer of this Agreement provided 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 Entity is not then in default of this Agreement or the Law; 4) the Entity's obligations under this Agreement are fully assumed by the new Entity; 5) the Entity is comprised of principals possessing substantially the same or better business reputation, financial qualifications and credit worthiness of the Entity; and 6) the Entity pays in full the maximum transfer fee, 2% of the Annual Service Charge, as permitted by N.J.S.A. 40A:20-10(d).

Nothing herein shall prohibit any transfer of the ownership interest in the Entity itself provided that the transfer, if greater than 10%, is disclosed to the City in the annual disclosure statement or in correspondence sent to the City in advance of the filing of the annual disclosure statement.

Section 9.2 Transfer Application Fee

Where the consent or approval of the City is sought for approval of a change in ownership or sale or transfer of the Project, the Entity shall be required to pay to the City a new tax exemption application fee for the legal and administrative services of the City, as it relates to the review, preparation and/or submission of documents to the Municipal Council for appropriate action on the requested assignment. The fee shall be non-refundable.

ARTICLE X - COMPLIANCE

Section 10.1 Operation

During the term of this Agreement, the Project shall be maintained and operated in accordance with the provisions of the Law. Operation of Project under this Agreement shall not only be terminable as provided by N.J.S.A. 40A:20-1, et seq., as amended and supplemented, but also by a Default under this Agreement. The Entity's failure to comply with the Law shall constitute a Default under this Agreement and the City shall, among its other remedies, have the right to terminate the tax exemption.

Section 10.2 Disclosure of Lobbyist Representative

During the term of this Agreement, the Entity must comply with Executive Order _____, and Ordinance 02-075, requiring Written Disclosure of Lobbyist Representative Status. The Entity's

failure to comply with the Executive Order or the Ordinance shall constitute a Default under this Agreement and the City shall, among its other remedies, have the right to terminate the tax exemption.

ARTICLE XI - DEFAULT

Section 11.1 Default

Default shall be failure of the Entity to conform with the terms of this Agreement or failure of the Entity to perform any obligation imposed by the Law, beyond any applicable notice, cure or grace period.

Section 11.2 Cure Upon Default

Should the Entity be in Default, the City shall send written notice to the Entity of the Default [Default Notice]. The Default Notice shall set forth with particularity the basis of the alleged Default. The Entity shall have sixty (60) days, from receipt of the Default Notice, to cure any Default which shall be the sole and exclusive remedy available to the Entity. However, if, in the reasonable opinion of the City, the Default cannot be cured within sixty (60) days using reasonable diligence, the City will extend the time to cure.

Subsequent to such sixty (60) days, or any approved extension, the City shall have the right to terminate this Agreement in accordance with Section 12.1.

Should the Entity be in default due to a failure to pay any charges defined as Material Conditions in Section 4.7, the Entity shall not be subject to the default procedural remedies as provided herein but shall allow the City to proceed immediately to terminate the Agreement as provided in Article XII herein.

Section 11.3 Remedies Upon Default

The City shall, among its other remedies, have the right to proceed against the property pursuant to the In Rem Tax Foreclosure Act, N.J.S.A. 54:5-1, et seq. In order to secure the full and timely payment of the Annual Service Charge, the City on its own behalf, or on behalf of the Trustee, reserves the right to prosecute an In Rem Tax Foreclosure action against the Project Area in accordance with Applicable Law, as more fully set forth in this Financial Agreement.

In addition, the City may declare a Default and terminate this Agreement. Any default arising out of the Entity's failure to pay Land Taxes, the Minimum Annual Service Charge, Administrative

Fees, or the Annual Service Charges shall not be subject to the default procedural remedies as provided in Article XI herein, but shall allow the City to proceed immediately to terminate the Agreement as provided in Article XII. All of the remedies provided in this Agreement to the City, and all rights and remedies granted to it by law and equity shall be cumulative and concurrent. No termination of any provision of this Agreement shall deprive the City of any of its remedies or actions against the Entity because of its failure to pay Land Taxes, the Minimum Annual Service Charge, Annual Service Charge, or Administrative Fees. This right shall apply to arrearages that are due and owing at the time or which, under the terms hereof, would in the future become due as if there had been no termination. Further, the bringing of any action for Land Taxes, the Minimum Annual Service Charge, the Annual Service Charge, Administrative Fees, or for breach of covenant or the resort to any other remedy herein provided for the recovery of Land Taxes shall not be construed as a waiver of the rights to terminate the tax exemption or proceed with a tax sale or Tax Foreclosure action or any other specified remedy.

In the event of a Default on the part of the Entity to pay any charges set forth in Article IV, the City among its other remedies, reserves the right to proceed against the Entity's land and property, in the manner provided by the In Rem Foreclosure Act, and any act supplementary or amendatory thereof. Whenever the word taxes appear, or is applied, directly or impliedly to mean taxes or municipal liens on land, such statutory provisions shall be read, as far as is pertinent to this Agreement, as if the charges were taxes or municipal liens on land.

ARTICLE XII- TERMINATION

Section 12.1 Termination Upon Default of the Entity

In the event the Entity fails to cure or remedy the Default within the time period provided in Section 11.2, the City may terminate this Agreement upon thirty (30) days written notice to the Entity [Notice of Termination].

Section 12.2 Voluntary Termination by the Entity

The Entity may notify the City that it will relinquish its status as a tax exempt Project, after the expiration of one year from the Substantial Completion of the Project, as of the January 1st of the year next ensuing. The Notice of Voluntary Termination must be received by the City no later than October 1st of the tax year preceding the calendar year in which the termination is to occur. As

of the date so set, the tax exemption, the Annual Service Charges and the profit and dividend restrictions shall terminate.

Section 12.3 Final Accounting

Within ninety (90) days after the date of termination, whether by affirmative action of the Entity or by virtue of the provisions of the Law or pursuant to the terms of this Agreement, the Entity shall provide a final accounting and pay to the City the reserve, if any, pursuant to the provisions of N.J.S.A. 40A:20-13 and 15 as well as any remaining excess Net Profits. For purposes of rendering a final accounting the termination of the Agreement shall be deemed to be the end of the fiscal year for the Entity.

Section 12.4 Conventional Taxes

Upon Termination or expiration of this Agreement, the tax exemption for the Project shall expire and the land and the Improvements thereon shall thereafter be assessed and conventionally taxed according to the general law applicable to other nonexempt taxable property in the City.

ARTICLE XIII - DISPUTE RESOLUTION

Section 13.1 Arbitration

In the event of a breach of the within Agreement by either of the parties hereto or a dispute arising between the parties in reference to the terms and provisions as set forth herein, either party may apply to the Superior Court of New Jersey by an appropriate proceeding, to settle and resolve the dispute in such fashion as will tend to accomplish the purposes of the Law. In the event the Superior Court shall not entertain jurisdiction, then the parties shall submit the dispute to the American Arbitration Association in New Jersey to be determined in accordance with its rules and regulations in such a fashion to accomplish the purpose of the Long Term Tax Exemption Law. The cost for the arbitration shall be borne by the Entity. The parties agree that the Entity may not file an action in Superior Court or with the Arbitration Association unless the Entity has first paid in full all charges defined in Section 4.8 as Material Conditions.

Section 13.2 Appeal of Assessment

In calculating the amount of "staged" tax adjustments that is, taxes otherwise due, pursuant to Section 4.2 and N.J.S.A. 40A:20-12, either party may file an appeal of the conventional assessment to determine the value of the new improvements.

ARTICLE XIV - WAIVER

Section 14.1 Waiver

Nothing contained in this Financial Agreement or otherwise shall constitute a waiver or relinquishment by the City of any rights and remedies, including, without limitation, the right to terminate the Agreement and tax exemption for violation of any of the conditions provided herein. Nothing herein shall be deemed to limit the City's right to audit or recover any amount which the City has under law, in equity, or under any provision of this Agreement.

ARTICLE XV - INDEMNIFICATION

Section 15.1 Defined

It is understood and agreed that in the event the City shall be named as party defendant in any action by a third party alleging any breach, default or a violation of any of the provisions of this Agreement and/or the provisions of N.J.S.A. 40A:20-1 et seq., the Entity shall indemnify and hold the City harmless against any and all liability, loss, cost, expense (including reasonable attorneys' fees and costs, through trial and all stages of any appeal, including the cost of enforcing this indemnity) arising out of Agreement. In addition, the Entity expressly waives all statutory or common law defenses or legal principles which would defeat the purposes of this indemnification. The Entity also agrees to defend the suit at its own expense. However, the City maintains the right to intervene as a party thereto, to which intervention the Entity consents; the expense thereof to be borne by the City.

ARTICLE XVI- NOTICE

Section 16.1 Certified Mail

Any notice required hereunder to be sent by either party to the other shall be sent by certified or registered mail, return receipt requested.

Section 16.2 Sent by City

When sent by the City to the Entity the notice shall be addressed to:

Salem Lafayette Urban Renewal, L.P.
c/o National Foundation for Affordable Housing Solutions, Inc.
11200 Rockville Pike – Suite 250
Rockville, Maryland 20852
Attn: Eliot Reid, Vice President Renewal Housing, Inc.

and

Waters, McPherson, McNeill, P.C.
300 Lighting Way
Secaucus, New Jersey 07096
Attn: Joseph G. Ragno, Esq.

unless prior to giving of notice the Entity shall have notified the City in writing otherwise.

In addition, provided the City is sent a formal written notice in accordance with this Agreement, of the name and address of Entity's Mortgagee, the City agrees to provide such Mortgagee with a copy of any notice required to be sent to the Entity.

Section 16.3 Sent by Entity

When sent by the Entity to the City, it shall be addressed to:

City of Jersey City, Office of the City Clerk
City Hall
280 Grove Street
Jersey City, New Jersey 07302,

with copies sent to the Corporation Counsel, the Business Administrator, and the Tax Collector unless prior to the giving of notice, the City shall have notified the Entity otherwise. The notice to the City shall identify the Project to which it relates, (i.e., the Urban Renewal Entity and the Property's Block and Lot number).

ARTICLE XVII-SEVERABILITY

Section 17.1 Severability

If any term, covenant or condition of this Agreement or the Application, except a Material Condition, shall be judicially declared to be invalid or unenforceable, the remainder of this Agreement or the application of such term, covenant or condition to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and each term, covenant or condition of this Agreement shall be valid and be enforced to the fullest extent permitted by law.

If a Material Condition shall be judicially declared to be invalid or unenforceable and provided the Entity is not in Default of this Agreement, the parties shall cooperate with each other to take the actions reasonably required to restore the Agreement in a manner contemplated by the

parties and the Law. This shall include, but not be limited to the authorization and re-execution of this Agreement in a form reasonably drafted to effectuate the original intent of the parties and the Law. However, the City shall not be required to restore the Agreement if it would modify a Material Condition, the amount of the periodic adjustments or any other term of this Agreement which would result in any economic reduction or loss to the City.

ARTICLE XVIII - MISCELLANEOUS

Section 18.1 Construction

This Agreement shall be construed and enforced in accordance with the laws of the State of New Jersey, and without regard to or aid of any presumption or other rule requiring construction against the party drawing or causing this Agreement to be drawn since counsel for both the Entity and the City have combined in their review and approval of same.

Section 18.2 Conflicts

The parties agree that in the event of a conflict between the Application and the language contained in the Agreement, the Agreement shall govern and prevail. In the event of conflict between the Agreement and the Law, the Law shall govern and prevail.

Section 18.3 Oral Representations

There have been no oral representations made by either of the parties hereto which are not contained in this Agreement. This Agreement, the Ordinance authorizing the Agreement, and the Application constitute the entire Agreement between the parties and there shall be no modifications thereto other than by a written instrument approved and executed by both parties and delivered to each party.

Section 18.4 Entire Document

This Agreement and all conditions in the Ordinance of the Municipal Council approving this Agreement are incorporated in this Agreement and made a part hereof.

Section 18.5 Good Faith

In their dealings with each other, utmost good faith is required from the Entity and the City.

Section 18.6 Pending Litigation

The Entity fully and freely holds the City harmless and assumes any risk that may effect the present or future validity of the within financial agreement, arising from any other litigation.

ARTICLE XIX - EXHIBITS

Section 19 Exhibits

The following Exhibits are attached hereto and incorporated herein as if set forth at length herein:

1. Metes and Bounds description of the Project;
2. Ordinance of the City authorizing the execution of this Agreement;
3. The Application with Exhibits;
4. Certificate of the Entity;
5. Estimated Construction Schedule;
6. The Financial Plan for the undertaking of the Project;
7. Good Faith Estimate of Initial Rents;
8. Project Employment and Contracting Agreement;
9. Architect's Certification of Actual Construction Costs.
10. Entity's Deed

IN WITNESS WHEREOF, the parties have caused these presents to be executed the day and year first above written.

WITNESS:

SALEM LAFAYETTE URBAN RENEWAL, LP

ELIOT REID, VICE PRESIDENT

ATTEST:

CITY OF JERSEY CITY

**ROBERT BYRNE
CITY CLERK**

**ROBERT J. KAKOLESKI
BUSINESS ADMINISTRATOR**

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



ORDINANCE NO. Ord. 13.111
 TITLE: 3.L SEP 25 2013 4.K OCT 09 2013

Ordinance approving 1) The sale of the project from Salem-Lafayette Community Development Corporation to Salem Lafayette Urban Renewal, LP; and 2) A 30 year tax exemption for new improvements to be constructed by Salem Lafayette Urban Renewal, LP an urban renewal entity, pursuant to the Long Term Tax Exemption Law N.J.S.A. 40A:20-1 et seq; and 3) Rescinding the tax exemption approval by resolution adopted on October 5, 1976.

RECORD OF COUNCIL VOTE ON INTRODUCTION SEP 25 2013 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING OCT 09 2013											
Councilperson <u>Lavarro</u> moved, seconded by Councilperson <u>Coleman</u> to close P.H. 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	ABSENT		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

Yvonne Balcer
Jayson Burg

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				WATTERMAN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE OCT 09 2013 9-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on SEP 25 2013
 Adopted on second and final reading after hearing on OCT 09 2013

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on OCT 09 2013

 Robert Byrne, City Clerk

*Amendment(s):

APPROVED:
 Rolando R. Lavarro, Jr., Council President
 Date OCT 09 2013

APPROVED:
 Steven M. Coia, Mayor
 Date OCT 10 2013

Date to Mayor OCT 10 2013

City Clerk File No. Ord. 13.112

Agenda No. 3.M 1st Reading

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



ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 13.112

TITLE: ORDINANCE CONSENTING TO THE SALE AND ASSIGNMENT OF MASTER CONDOMINIUM 1 AND THE ASSIGNMENT IN PART OF A TAX EXEMPTION AND FINANCIAL AGREEMENT FROM ACC TOWERS 1A URBAN RENEWAL, LLC TO MANA CONTEMPORARY TRIBECA WEST URBAN RENEWAL, LCC PURSUANT TO SECTION 9.1 OF THE FINANCIAL AGREEMENT AND THE LONG TERM TAX EXEMPTION LAW N.J.S.A. 40A:20-1 ET SEQ.

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

WHEREAS, ACC Towers 1A Urban Renewal, LLC, is 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. [Entity]; and

WHEREAS, the Entity was the owner of the entire property known as Block 7701, Lot 5 on the City's Official Tax map, and more commonly known by the street address of 50 Dey Street, Jersey City, New Jersey, all of which is located within the boundaries of an urban enterprise zone area; and

WHEREAS, by the adoption of Ordinance 06-054 on April 26, 2006, the Municipal Council of the City of Jersey City approved the tax exemption on two sections of a portion of the Project and authorized the execution of a financial agreement for those two sections, which was executed on May 18, 2006; and

WHEREAS, on August 9, 2006, the Entity submitted an application to amend its financial agreement to include tax exemption for the entire property; and

WHEREAS, by the adoption of Ordinance 06-121 on October 11, 2006, the Municipal Council of the City of Jersey City approved the tax exemption on the entire Project and authorized the execution of an amended financial agreement; and

WHEREAS, on May 9, 2008, the Entity submitted an application for a second amended and restated financial agreement to convert the property into seven master condominium units, known as Unit 1 (Block 7701, Lot 5 C0001), Unit 2 (Block 7701, Lot 5 C0002), Unit 3 (Block 7701, Lot 5 C0003), Unit 4 (Block 7701, Lot 5 C0004), Unit 5 (Block 7701 Lot 5 C0005), Unit 6 (Block 7701, Lot 5 C0006), Unit 7 (Block 7701, Lot 5 C0007), by a master deed dated December 2, 2008 to amend the tax exemption and financial agreement; and

WHEREAS, by the adoption of Ordinance 08-090 on June 25, 2008, the Municipal Council of the City of Jersey City approved the second amended application and authorized the execution of a second amended and restated financial agreement, for a mixed use project, consisting of 551 residential units, with a service charge calculated as 10% of gross revenue for the first ten (10) years which is presently \$726,553; 12% of gross revenue for the second ten (10) years; and 14% of the gross revenue for the final ten (10) years; and

WHEREAS, Master Condominium Unit 2 and Unit 3 were substantially completed and sold to individual condominium unit purchasers; and

WHEREAS, the tax exemption for Master Condominium Units 4, 5 and 6 was terminated by the Entity on December 27, 2012; and

WHEREAS, the tax exemption for the Master Units (1,2,3 and 7) remaining subject to the Financial Agreement commenced on December 10, 2008; and

WHEREAS, in accordance with an agreement of sale dated May 14, 2013, ACC Towers 1A Urban Renewal, LLC has agreed to sell Unit 1 of the Project to Mana Contemporary Tribeca West Urban Renewal, LLC ("Mana") subject to the City's consent to the assignment of the Financial Agreement for Master Condominium Unit 1 to Mana; and

WHEREAS, on July 22, 2013, the Entity applied to the City for its consent to the sale of Unit 1 the project to Mana Contemporary Tribeca West Urban Renewal 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., which has agreed to assume all obligations of the Entity under the Financial Agreement as amended; and

WHEREAS, pursuant to Section 9.1 of the Financial Agreement dated July 15, 2008, upon written application by the Entity, the City is required to consent to the sale or transfer of a tax exemption, or a portion thereof, if: 1) the New Entity does not own any other tax exempt projects; 2) the New Entity is formed and eligible to operate under the Law; 3) the existing Entity is not in default of its financial agreement; and 4) the New Entity agrees to assume all obligations of the existing Entity; and

WHEREAS, in addition, pursuant to Section 9.1 of the Financial Agreement, an Entity seeking to sell a project, is also required to pay the City an amount equal to 2% of the annual service charge as consideration for continuation of the tax exemption; and

WHEREAS, based upon the current service charge, 2% of the annual service charge is estimated to be \$14,531.00, which sum will be paid at closing, anticipated to occur on or before October 30, 2013; and

WHEREAS, the Project will continue to pay 10% of gross revenue for years 1-10, which in 2012 was approximately \$726,553; then 12% of gross revenue for the second ten (10) years, and 14% gross revenue for the final ten (10) years.

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

- A. The Application of ACC Towers 1A Urban Renewal, 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. attached hereto, for the sale of Unit 1, a portion of Block 7701, Lot 5 and more commonly known by the street address of 50 Dey Street, Unit 1, and transfer the tax exemption for Unit 1 to Mana Contemporary Tribeca West Urban Renewal, LLC, for Unit 1 is hereby approved, subject to payment to the City of 2% of the annual service charge estimated to be \$14,531.00.
- B. The Mayor or Business Administrator is hereby authorized to execute a consent to assignment with ACC Towers 1A Urban Renewal, LLC, for Unit 1 and an assumption agreement with Mana Contemporary Tribeca West Urban Renewal, LLC, as well as any other documents appropriate or necessary to effectuate the sale and transfer of Unit 1 of the Project and the tax exemption financial agreement for Unit 1, and the purposes of this ordinance.
- 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 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*.

DJ/kn
9-18-13

APPROVED AS TO LEGAL FORM



Corporation Counsel

APPROVED: _____

APPROVED: 

Business Administrator

Certification Required
Not Required

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



ORDINANCE NO. Ord. 13.112

TITLE: 3.M SEP 25 2013 4.L OCT 09 2013

Ordinance consenting to the sale and assignment of Master Condominium 1 and the assignment in part of a tax exemption and financial agreement from ACC Towers 1A Urban Renewal, LLC to Mana Contemporary Tribeca West Urban Renewal, LLC pursuant to Section 9.1 of the financial agreement and the Long Term Tax Exemption Law N.J.S.A. 40A:20-1 et seq.

RECORD OF COUNCIL VOTE ON INTRODUCTION SEP 25 2013 <u>9-0</u>											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING OCT 09 2013 <u>9-0</u>											
Councilperson <u>Rivera</u> moved, seconded by Councilperson <u>Osborne</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	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Yvonne Balcer
Jayson Burg

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				WATTERMAN			
BOGGIANO				COLEMAN				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE OCT 09 2013 <u>8-1</u>											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN		✓		RIVERA	✓		
RAMCHAL	✓			OSBORNE	✓			WATTERMAN	✓		
BOGGIANO	✓			COLEMAN	✓			LAVARRO, PRES.	✓		

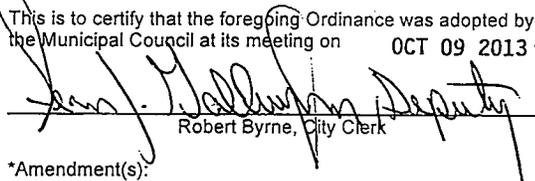
✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on SEP 25 2013

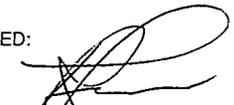
Adopted on second and final reading after hearing on OCT 09 2013

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on OCT 09 2013


Robert Byrne, City Clerk

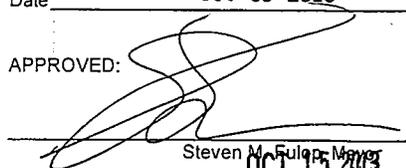
*Amendment(s):

APPROVED:


Rolando R. Lavarro, Jr., Council President

Date OCT 09 2013

APPROVED:


Steven M. Fulop, Mayor

Date OCT 15 2013

Date to Mayor OCT 10 2013