

City Clerk File No. Ord. 07-153

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 *07-153*

TITLE:

**AN ORDINANCE VACATING A PORTION OF WASHINGTON STREET FROM ITS INTERSECTION WITH DUDLEY STREET AND EXTENDING SOUTHERLY TO THE MORRIS CANAL BIG BASIN AND AUTHORIZING THE ACCEPTANCE OF A DEED DEDICATING THE WESTERLY SIDE OF THE VACATED STREET AS A PUBLIC PARK**

**WHEREAS**, the State of New Jersey (State) is the owner of Block 60.1, Lots 1, 3, and 5 also known as the Liberty State Park which adjoins the easterly side of Washington Street south of its intersection with Dudley Street; and

**WHEREAS**, Portside Towers Corp. (PTC) is the owner of Block 60, Lot 34 a/k/a 155 Washington Street which adjoins the westerly side of Washington Street south of its intersection with Dudley Street; and

**WHEREAS**, the portion of Washington Street south of its intersection with Dudley Street and extending to its southerly terminus at the Morris Canal Big Basin is a public right-of-way; and

**WHEREAS**, the City of Jersey City (City) desires to vacate Washington Street from its intersection with Dudley Street to its southerly terminus at the Morris Canal Big Basin shown on the map attached hereto as Exhibit "A" so that the westerly side of the vacated street can be dedicated as a public park and the easterly side can revert back to the State's full ownership and control; and

**WHEREAS**, PTC does not object to the vacation of this portion of Washington Street; and

**WHEREAS**, the Historic Paulus Hook Association (HPHA) is a nonprofit community organization which represents many of the residents of the Paulus Hook neighborhood; and

**WHEREAS**, the HPHA supports the development of a public park on the vacated portion of the westerly side of Washington Street; and

**WHEREAS**, the City will accept an easement deed from PTC which will dedicate the vacated portion of the westerly side of Washington Street for use as a public park; and

**WHEREAS**, the Candles of Life Memorial (Memorial), a Korean War monument is located at the southerly terminus of Washington Street near the Morris Canal Big Basin; and

**WHEREAS**, vehicular access and parking for disabled visitors to the Memorial will be permitted in the park subject to certain terms and conditions; and

**WHEREAS**, the area being vacated is no longer necessary for normal vehicular traffic; and

**WHEREAS**, the ordinance has been duly advertised and proof of the giving of due notice of the enactment of this ordinance as required by law, has been filed with the City Clerk, and the Municipal Council having held a public hearing thereon, and no objections having been made thereto.

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

**SECTION I**

A portion of the public right-of-way known as Washington Street located south of its intersection with Dudley Street and extending to its southerly terminus at the Morris Canal Big Basin and shown on Exhibit "A" attached hereto is hereby vacated.

**SECTION II**

All costs and expenses, incidental to the introduction, passage and publication of the ordinance, including preparation and mailing of any and all notices related to this ordinance upon owners within 200 feet of the area to be vacated shall be born and paid by the HPHA.

**SECTION III**

This ordinance shall be filed with the Register of Hudson County within 30-days after this ordinance becomes effective. Upon filing with the Register of the County of Hudson, title to the vacated portion of Washington Street shall vest in the State and PTC.

**SECTION IV**

This ordinance shall be subject to the following:

- a) in the event there are utilities located under the roadway being vacated hereunder, an easement in perpetuity is reserved for the benefit of the City of Jersey City and all public utility companies, including any cable television company as defined in the Cable Television Act, P.L. 1972, c. 1986 (c. 48:5A-1, *et seq.*) for the purpose of ingress egress over and upon the area subject to this vacation ordinance in order to maintain, repair or replace existing utility facilities including water lines, sewer lines, gas lines, telephone, electrical and cable television wires and poles which may be located either beneath or above the surface of the area subject to this vacation ordinance; and
- b) no buildings or structures of any kind may be constructed over the water or sewer utilities within the area subject to the vacation without the consent of the Chief Engineer of the City of Jersey City unless and until those utilities are relocated and/or abandoned.

**SECTION V**

After the street has been vacated, the City shall accept from PTC an easement deed dedicating the westerly side of the vacated street for the use as a public park.

**SECTION VI**

The Mayor or Business Administrator is hereby authorized:

- a) subject to such modifications as deemed necessary or appropriate by Corporation Counsel, execute an easement deed with PTC dedicating the westerly side of the vacated street as a public park; and
- b) subject to approval and acceptance by the City's Corporation Counsel, execute all documents necessary to accomplish the dedication

**SECTION VII**

The easement deed from PTC shall contain the following terms, conditions, and restrictions:

- a) three (3) parking spaces shall be designated on the westerly side of the former Washington Street as shown on Exhibit "B" attached hereto for use only by persons displaying handicapped license plates visiting the Memorial;
- b) six (6) parking spaces shall be designated on the westerly side of the former Washington Street as shown on Exhibit "B" attached hereto for use only by persons visiting the Memorial;
- c) signs as described and displayed on Exhibit "B" shall be installed on the westerly side of the former Washington Street in order to explain the limited permissible use of the park by motor vehicles;
- d) bollards preventing access to the park by motor vehicles shall be installed on the westerly side of the former Washington Street except for an opening allowing one lane of vehicular access to the parking as described in sections a. and b. above;
- e) the vehicular access lane on the westerly side of the former Washington Street shall be closed and chained between 8:00 p.m. and 8:00 a.m. each day by PTC's security personnel; and
- f) the City shall be responsible for maintaining the Candles of Life Memorial located at the southerly terminus of Washington Street near the Morris Canal Big Basin.

**SECTION VIII**

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

**SECTION IX**

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.

**SECTION X**

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

**SECTION XI**

The City Clerk and the Corporation Counsel are hereby authorized and directed to change any Chapter Numbers, Article Numbers and Section Numbers in the event that 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 the existing provisions.

RR  
8-21-07

APPROVED AS TO LEGAL FORM

*Raymond Redington*  
Asst. Corporation Counsel

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

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

Certification Required

Not Required

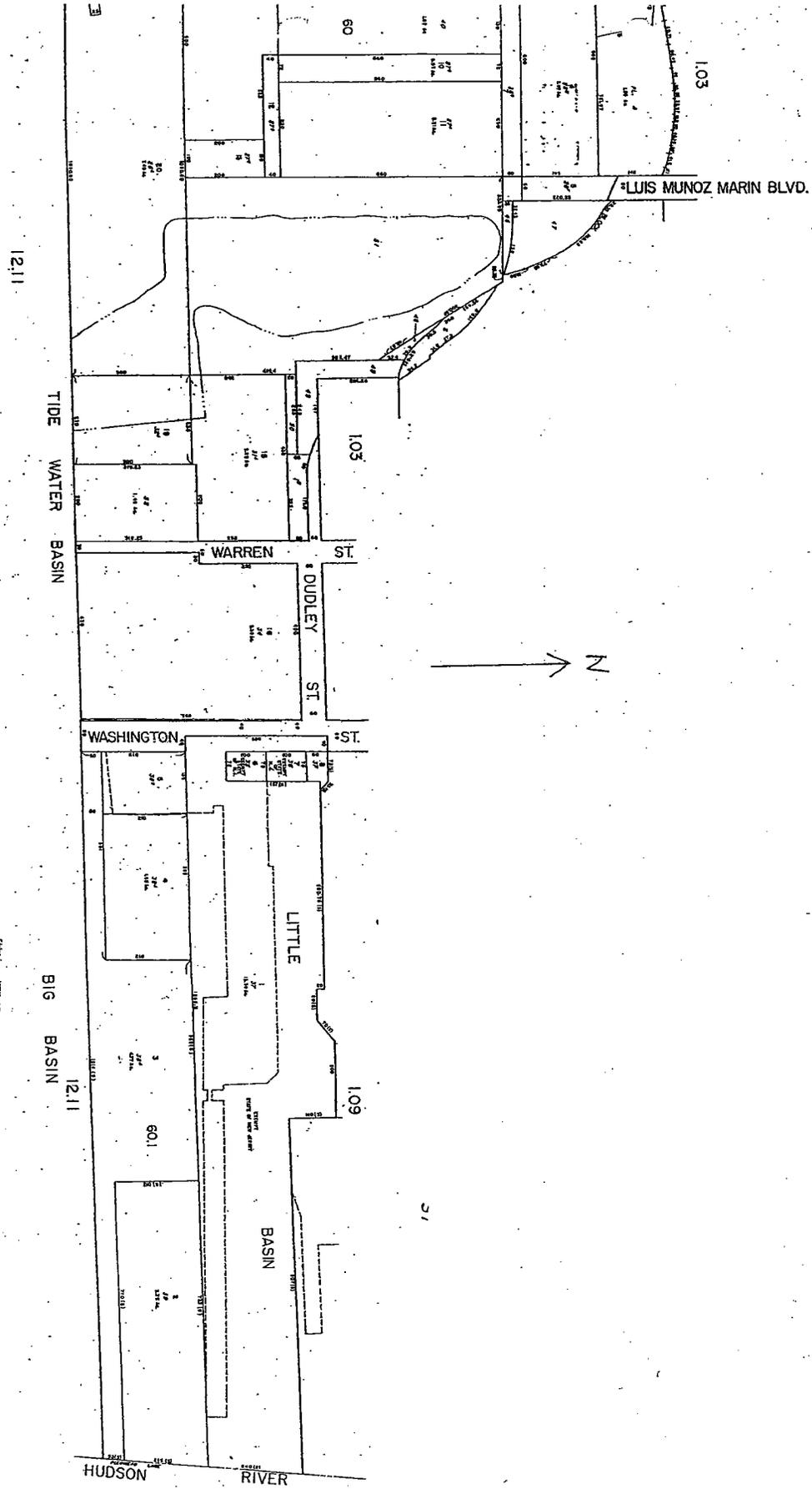
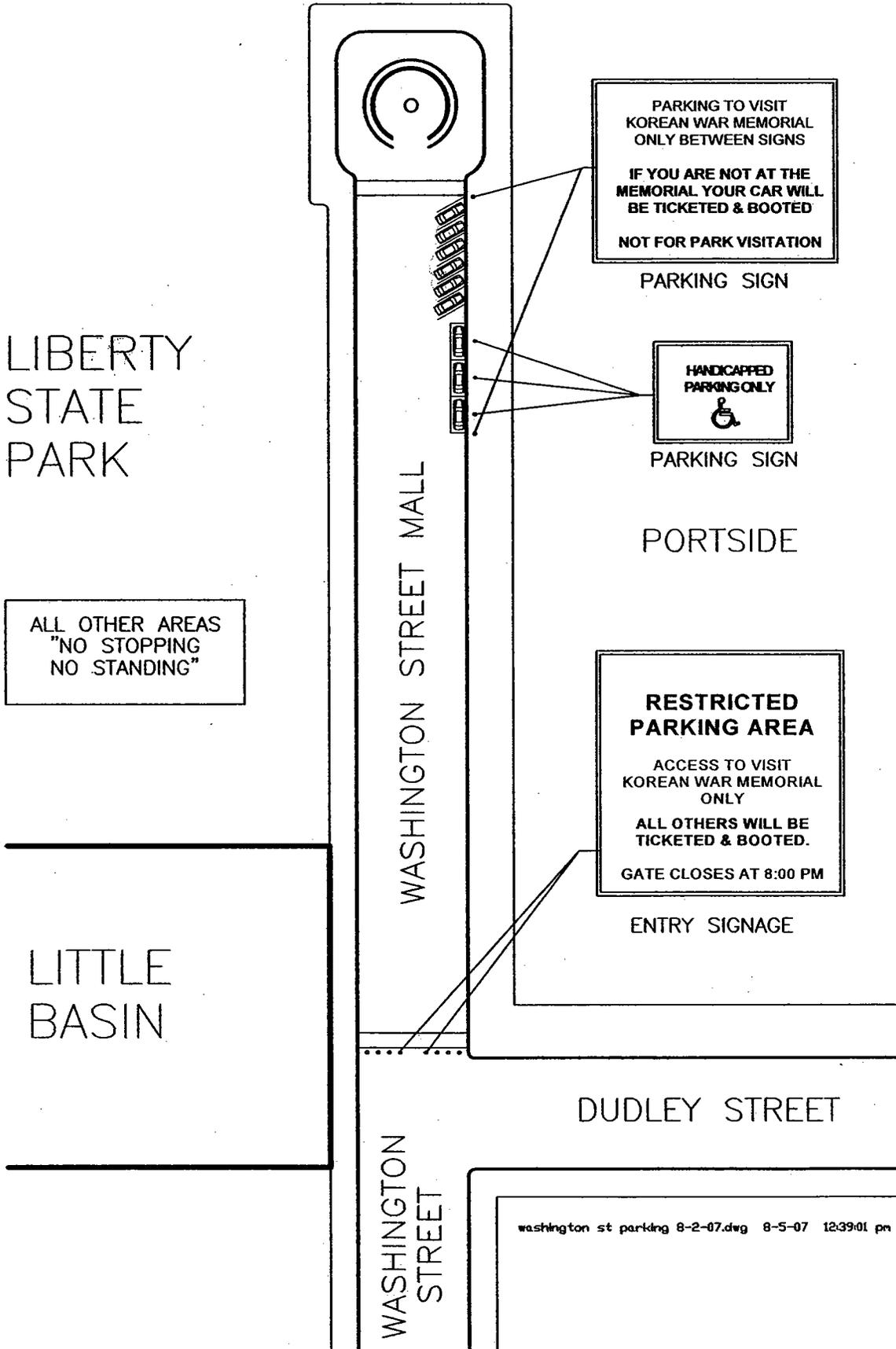


Exhibit "A"

# BIG BASIN



PARKING TO VISIT  
KOREAN WAR MEMORIAL  
ONLY BETWEEN SIGNS  
  
IF YOU ARE NOT AT THE  
MEMORIAL YOUR CAR WILL  
BE TICKETED & BOOTED  
  
NOT FOR PARK VISITATION

PARKING SIGN

HANDICAPPED  
PARKING ONLY  


PARKING SIGN

PORTSIDE

**RESTRICTED  
PARKING AREA**  
  
ACCESS TO VISIT  
KOREAN WAR MEMORIAL  
ONLY  
  
ALL OTHERS WILL BE  
TICKETED & BOOTED.  
  
GATE CLOSURES AT 8:00 PM

ENTRY SIGNAGE

ALL OTHER AREAS  
"NO STOPPING  
NO STANDING"

Exhibit "B"



**CITY OF JERSEY CITY**  
**Office of the Corporation Counsel**

280 Grove Street  
Jersey City, New Jersey 07302  
Telephone: (201) 547-4667  
Fax: (201) 547-5230

Jerramiah Healy, Mayor  
Brian O'Reilly, Business Administrator

Bill Matsikoudis, Corporation Counsel

August 17, 2007

Mayor Jerramiah Healy, President and Members of the Municipal Council  
City of Jersey City-Law Department  
City Hall-280 Grove Street  
Jersey City, New Jersey 07302

**Re: Ordinance vacating portion of Washington Street south of Dudley Street to  
Morris Canal Big Basin**

Dear Mayor Healy and Members of the Municipal Council:

Enclosed is a copy of a proposed Ordinance that will vacate Washington Street south of Dudley Street. This section of Washington Street runs north to south, and is immediately adjacent to the Morris Canal, ending at the "Candles of Light" Korean War Memorial.

This Ordinance will remove the right of the public to drive or park on the street. Instead, the area will become a public park. The proposed Ordinance reflects terms agreeable to the vacated street's adjacent owner, Portside, as well as that of the Historic Paulus Hook Association, an entity representing various homeowners in the area. This Ordinance also reflects the consensus of City officials and Green Acre staff after a meeting at the New Jersey Department of Environmental Protection on June 25, 2007.

Technically, when a street vacation occurs, the property reverts to the adjacent owner as measured from the center line of the street site. Therefore, upon vacation, ownership of the easterly half of the street will revert to the State of New Jersey for incorporation into Liberty State Park. Ownership of the westerly half of the vacated street will revert to Portside Towers Corporation [Portside], a private owner. As a condition of the street vacation, Portside will dedicate an easement across the property to the City for recreational use. It will accomplish this by conveying a deed of easement to the City that will be accepted and recorded by the City. This recreational easement is a stated condition in the Ordinance.

The vacated area will enlarge the existing Liberty State Park and increase the acreage on the amount of parkland appearing on the local Recreational and Open Space Inventory maintained by the City pursuant to the New Jersey Green Acres Land Acquisition and Recreation Opportunities Act, NJSA 13:8A-35 et seq.

The specific terms of the proposed Ordinance are as follows:

- Vehicular access and parking for six cars on the vacated portion of the westerly side of Washington Street will be dedicated to visitors to the Korean War Memorial;
- Vehicular access and parking for three cars on the vacated portion of the westerly side of Washington Street will be dedicated to disabled visitors to the Korean War Memorial;
- All costs of introducing, publishing and mailing of notices related to this proposed Ordinance will be borne by the Historic Paulus Hook Association;
- Any utilities existing under the Washington Street Mall after vacation of the street will be reserved, by easement, for the City of Jersey City and all public utilities, for entering upon the Washington Street Mall in order to maintain, repair or replace facilities under or above the land surface;
- Portside Towers Corporation shall provide and the City of Jersey City shall accept, an easement deed dedicating the westerly side of the vacated street for recreational use;
- Title to the land that comprised the former street shall vest in Portside (westerly side of former street) and the State of New Jersey (easterly side of former street), subject to the easements described in the Ordinance; and,
- The proposed Ordinance, once adopted, shall be filed with the Register of Hudson County within thirty (30) days after the Ordinance becomes effective.

The City will maintain the westerly side of the vacated street and the monument. The City will also agree to maintain the easterly side of the vacated street if requested to do so by the State.

If you have any other questions regarding this proposed Ordinance kindly contact the Office of the Corporation Counsel.

Thank you.

Very truly yours,



**WILLIAM MATSIKLOUDIS  
CORPORATION COUNSEL**

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

ORDINANCE NO. Ord. 07-153

TITLE: **3.A. AUG 22 2007**      **4.A. SEP 11 2007**



An ordinance vacating a portion of Washington Street from its intersection with Dudley Street and extending southerly to the Morris Canal Big Basin and authorizing the acceptance of a deed dedicating the westerly side of the vacated street as a public park.

RECORD OF COUNCIL VOTE ON INTRODUCTION <span style="float: right;">AUG 22 2007 8-0</span>											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	ABSENT			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING <span style="float: right;">SEP 11 2007 8-0</span>											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	ABSENT		

✓ Indicates Vote **SONIA MALDONADO**  
**GERRY BAKIRTJY**

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
SPINELLO				FULOP				FLOOD			
LIPSKI				RICHARDSON				VEGA, PRES.			

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF FINAL COUNCIL VOTE <span style="float: right;">SEP 11 2007 8-0</span>											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	ABSENT		

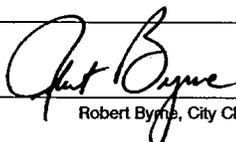
✓ Indicates Vote

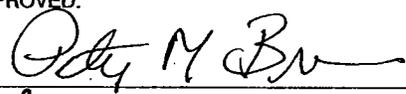
N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on AUG 22 2007

Adopted on second and final reading after hearing on SEP 11 2007

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on SEP 11 2007

  
 Robert Byrne, City Clerk

APPROVED:  
  
 for Mariano Vega, Jr., Council President

Date: SEP 11 2007

APPROVED:  
  
 Jerrard T. Healy, Mayor

Date: SEP 19 2007

Date to Mayor: SEP 12 2007

\*Amendment(s):

City Clerk File No. Ord. 07-154

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 07-154

**TITLE: AN ORDINANCE AUTHORIZING THE CITY OF JERSEY CITY TO AMEND CITY ORDINANCE 07-027 FOR LEASING ON-STREET PARKING SPACES IN THE CHRISTOPHER COLUMBUS DRIVE PERMIT PARKING ZONE FROM THE JERSEY CITY PARKING AUTHORITY.**

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

**WHEREAS**, the City of Jersey City (City) leases office space at 30 Montgomery Street, Jersey City; and

**WHEREAS**, the City needs parking spaces for some of its employees who work at 30 Montgomery Street; and

**WHEREAS**, pursuant to Ordinance 26-20 and 26-28.1 the Parking Authority of the City of Jersey City (Parking Authority) operates an on-street permit parking zone along Christopher Columbus Drive from Marin Boulevard to Exchange Place; and

**WHEREAS**, City Ordinance 07-027 authorized the Parking Authority to lease 91 spaces in the Christopher Columbus Drive permit zone at a cost of \$75.00 per space per month for a monthly total of \$6,825.00 for a two year term effective as of March 1, 2007 and ending February 28, 2009; and

**WHEREAS**, it is necessary to Amend City Ordinance 07-027 to increase the parking spaces from 91 to 101 spaces at the cost of \$75.00 per space per month for a monthly total of \$7,575.00 and an annual cost of \$90,900.00 effective as of September 1, 2007 and ending February 28, 2009; and

**WHEREAS**, the sum of \$21,225.00 is available in the fiscal year 2008 year temporary budget in account # 08-01-201-31-432-304; and

**WHEREAS**, the balance of the lease funds will be made available in the 2008 fiscal year permanent budget and in subsequent fiscal year budgets; and

**WHEREAS**, the City shall have the right to terminate the lease without cause by giving 30 days' advance notice of termination; and

**WHEREAS**, N.J.S.A. 40A:12-5 provides that a municipality may by ordinance authorize the leasing of real property or personal property.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF JERSEY CITY THAT:**

- 1) The Mayor or Business Administrator is authorized to execute the Amended Lease Agreement with the Parking Authority subject to such modification as may be deemed necessary or appropriate by Corporation Counsel.

**AN ORDINANCE AUTHORIZING THE CITY OF JERSEY CITY TO AMEND CITY ORDINANCE 07-027 FOR LEASING ON-STREET PARKING SPACES IN THE CHRISTOPHER COLUMBUS DRIVE PERMIT PARKING ZONE FROM THE JERSEY CITY PARKING AUTHORITY.**

- 2) The term of the Amended Lease Agreement is effective as of September 1, 2007 and ending February 28, 2009 for a total annual cost no to exceed \$90,900.00 in 12 equal installments of \$7,575.00 payable on the eighth day of each month.
- 3) The City shall have the right to terminate the lease at any time during its term by giving 30 days' notice prior to the effective date of termination.
- 4) Funds in the amount of \$ 21,225.00 are available in Account # 08-01-201-31-432-304. The balance of the lease funds shall be made available in subsequent fiscal year budgets.

I, \_\_\_\_\_ (Donna Mauer), Chief Financial Officer, hereby certify that these funds are available in Account # 08-01-201-31-432-304 P.O. 87902.

APPROVED: \_\_\_\_\_  
APPROVED: B. O'Keilly  
Business Administrator

APPROVED AS TO LEGAL FORM  
Raymond Reddy  
Corporation Counsel

Certification Required   
Not Required

## AMENDED LEASE AGREEMENT

This Amended Lease Agreement made this \_\_\_\_\_ day of \_\_\_\_\_, 2007, between the Parking Authority of the City of Jersey City ( Parking Authority ) located at 392-394 Central Avenue, Jersey City, N.J. 07307 and the City of Jersey City (City) having its principal place of business at City Hall, 280 Grove Street, Jersey City, N.J. 07302 .

**WHEREAS**, the City requires parking facilities for employees whose offices are located at 30 Montgomery Street, Jersey City, N.J.; and

**WHEREAS**, pursuant to city ordinances 26-20 and 26-28.1, the Parking Authority operates an on-street permit parking zone on Christopher Columbus Drive from Marin Boulevard to Exchange Place; and

**WHEREAS**, the Parking Authority agrees to lease to the City a total of 101 parking spaces located in the Christopher Columbus permit parking zone; and

**WHEREAS**, the City and the Parking Authority desire to enter into this Amended Agreement for the leasing of parking spaces effective September 1, 2007.

Now, Therefore, in consideration of the mutual promises and covenants set forth herein, the parties agree as follows :

### ARTICLE I PREMISES

The Parking Authority does hereby lease to the City and the City does hereby rent from the Parking Authority the following described premises : a total of 101 on-street parking spaces in the Christopher Columbus Drive permit parking zone.

### ARTICLE II TERM

For a term effective September 1, 2007 and ending on February 28, 2009.

### ARTICLE III USE

Under the terms of this Lease, the City shall have the right to use and occupy 101 on-street parking spaces located in the Christopher Columbus permit parking zone. This area is on-street permit parking zone operated by the Parking Authority pursuant to City Ordinance 26-20 and 26-28.1

**ARTICLE IV**  
**Payment of Rent**

The City covenants and agrees to pay the Parking Authority an annual rent for and during the term hereof, the sum of \$ 90,900.00 payable at \$ 7,575.00 per month during the eighth day of each month for the term of this Amended Lease. The sum of \$ 7,575.00 represents the monthly rent due for 101 parking spaces at Seventy Five Dollars \$75.00 per parking space per month.

**ARTICLE V**  
**Assignment Sub-Lease**

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

**ARTICLE VI**  
**Termination**

The term of the Amended Lease is from September 1, 2007 to February 28, 2009. The City shall have the right at its convenience to terminate the Amended Lease at any time during its term by giving thirty (30) days' notice prior to the effective date of termination.

**ARTICLE VII**  
**Validity of Lease**

The terms, conditions, covenants and provisions of the Amended 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 Amended 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 parties as shown at the head of the Amended Lease, or to such other address as may be designated in writing, which notice of change of address shall be given in the same manner.

**ARTICLE IX**  
**Entire Contract**

This Amended Lease contains the entire Contract between the parties. No representative, agent or employee of the Parking Authority 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, renewal or extensions hereof, shall be binding unless reduced to writing and signed by the Parking Authority and the City.

**ARTICLE X**

This Amended Lease may not be filed by the City without the prior written consent of the Parking Authority. The Parking Authority may pursue the relief or remedy sought in any invalid clause, by conforming the said clause with the provisions of the statutes 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 included 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 insure to the benefits 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 have hereunto set their hand 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

\_\_\_\_\_  
BRIAN O'REILLY  
Business Administrator

WITNESS:

PARKING AUTHORITY OF  
JERSEY CITY

\_\_\_\_\_

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

Ord. 07-154

ORDINANCE NO. \_\_\_\_\_

TITLE: 3.6. AUG 22 2007 4.6. SEP 11 2007



An ordinance authorizing the City of Jersey City to amend City Ordinance 07-027 for leasing on street parking spaces in the Christopher Columbus Drive permit parking zone from the Jersey City Parking Authority.

RECORD OF COUNCIL VOTE ON INTRODUCTION											
AUG 22 2007 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	<b>ABSENT</b>			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
SEP 11 2007 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	<b>ABSENT</b>		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
SPINELLO				FULOP				FLOOD			
LIPSKI				RICHARDSON				VEGA, PRES.			

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF FINAL COUNCIL VOTE											
SEP 11 2007 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	<b>ABSENT</b>		

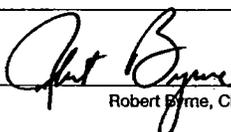
✓ Indicates Vote

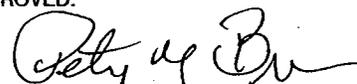
N.V.-Not Voting (Abstain)

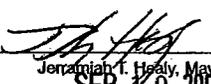
Adopted on first reading of the Council of Jersey City, N.J. on AUG 22 2007

Adopted on second and final reading after hearing on SEP 11 2007

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on SEP 11 2007

  
 \_\_\_\_\_  
 Robert Byrne, City Clerk

APPROVED:  
  
 for Mariano Vega, Jr., Council President  
 Date: SEP 11 2007

APPROVED:  
  
 Jeremiah F. Healy, Mayor  
 Date: SEP 19 2007  
 Date to Mayor: SEP 12 2007

\*Amendment(s): \_\_\_\_\_



# ORDINANCE OF JERSEY CITY, N.J.

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

TITLE: **CITY ORDINANCE 07-155  
AN ORDINANCE AUTHORIZING THE TRANSFER OF CITY-  
OWNED PROPERTY AT 509 MARTIN LUTHER KING DRIVE  
(BLOCK: 1960, LOT: N.1) WITHIN THE MARTIN LUTHER  
KING DRIVE REDEVELOPMENT AREA TO THE JERSEY CITY  
REDEVELOPMENT AGENCY**

**WHEREAS**, the City of Jersey City is the owner of certain parcels of real property known and designated as:

<u>BLOCK</u>	<u>LOT</u>	<u>STREET ADDRESS</u>
1960	N.1	509 MLK Drive

situated in the City of Jersey City, Hudson County, New Jersey; and as more particularly shown on the Official Assessment Map and referenced in the designation assigned to individual tax lots in the records of the Tax Assessor (hereinafter "Property"); and

**WHEREAS**, the Municipal Council of the City of Jersey City has declared, that the Properties contained within the Martin Luther King Drive Study Areas are areas deemed "in need of redevelopment" pursuant to N.J.S.A. 40A:55-12 et. seq.; and

**WHEREAS**, on January 4, 1994 the Municipal Council, adopted the Martin Luther King Drive Redevelopment Plan and which plan was subsequently extended and amended; and

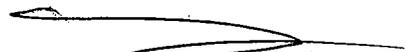
**WHEREAS**, the Property lies within the legally established boundaries of the Martin Luther King Drive Redevelopment Plan Area; and

**WHEREAS**, the Jersey City Redevelopment Agency has the responsibility of acquiring various properties within the Martin Luther King Drive Redevelopment Plan Area to effectuate the rehabilitation, redevelopment and revitalization of the Martin Luther King Drive Redevelopment Area; and

**WHEREAS**, the Jersey City Redevelopment Agency has deemed it necessary to acquire the Property from the City of Jersey City to accomplish the objectives of the Martin Luther King Drive Redevelopment Plan Area; and

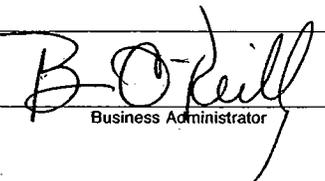
**WHEREAS**, the City of Jersey City may transfer the Property to the Jersey City Redevelopment Agency pursuant to N.J.S.A. 40A:12A-39(a) & (f).

APPROVED AS TO LEGAL FORM

  
Corporation Counsel

APPROVED:

APPROVED:

  
Business Administrator

Certification Required   
Not Required

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

1. Pursuant to N.J.S.A. 40A:12A-39(a) & (f) the transfer of the following Properties to the Jersey City Redevelopment Agency is hereby authorized:

<u>BLOCK</u>	<u>LOT</u>	<u>STREET ADDRESS</u>
1960	N.1	509 MLK Drive

2. That the Mayor, Business Administrator and appropriate Division of the municipality are hereby authorized and directed to execute a deed and all necessary or appropriate instruments to convey and effectuate the transfer of the aforesaid Property to the Jersey City Redevelopment Agency.
  - A. All Ordinances and part of Ordinances inconsistent herewith are hereby repealed.
  - B. This Ordinance shall be part of the Jersey City Code as though codified and fully set forth therein. The City Clerk shall have this Ordinance codified and incorporated in the official copies of the Jersey City Code.
  - C. This Ordinance shall take effect at the time and in the manner 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 the 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.

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



APPROVED AS TO LEGAL FORM

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

Business Administrator

Corporation Counsel

Certification Required

Not Required

Date Submitted to B.A. \_\_\_\_\_

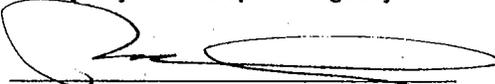
**ORDINANCE/RESOLUTION FACT SHEET**

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 authorizing the acceptance by the Jersey City Redevelopment Agency of City-owned property at 509 Martin Luther King Drive (Block 1960, Lot N.1)
2. **Name and Title of Person Initiating the Ordinance/Resolution, etc.:**  
Denise Bennett, Project Manager, JCRA 201-547-5809
3. **Concise Description of the Program, Project or Plan Proposed in the Ordinance/Resolution:**  
This Ordinance will authorize the Jersey City Redevelopment Agency, its agents or assigns to accept title to Jersey City- owned property within the Martin Luther King Drive Redevelopment Area for development purposes.
4. **Reasons (Need) for the Proposed Program, Project, etc:**  
The JCRA has been charged with the responsibility of acquiring all properties in the Martin Luther King Drive Redevelopment Area to effectuate the rehabilitation, redevelopment and revitalization initiatives of the Martin Luther King Drive Redevelopment Plan.
5. **Anticipated Benefits to the Community:**  
Revitalization of an area determined to be an area in need of redevelopment.
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 contributions.):**  
N/A
7. **Date Proposed Program or Project will Commence:**  
Immediately upon adoption of this resolution.
8. **Anticipated Completion Date:**  
Approximately 1 year from commencement.
9. **Person Responsible for Coordinating Proposed Program, Project, etc.:**  
Chris Fiore, Acting Executive Director, JCRA
10. **Additional Comments:**

I certify that all the Facts Presented Herein are Accurate.

C. Fiore  
CHRIS FIORE, Assistant Executive Director  
Jersey City Redevelopment Agency

  
ROBERT P. ANTONICELLO, Acting Director  
Dept. Housing Economic Development  
and Commerce

7/26/07  
Date

\_\_\_\_\_  
Date

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

Ord. 07-155

ORDINANCE NO. \_\_\_\_\_

TITLE: \_\_\_\_\_

**3.C. AUG 22 2007      4.C. SEP 11 2007**



An ordinance authorizing the transfer of city owned property at 509 Martin Luther King Drive (Block 1960, Lot N.1) within the Martin Luther King Drive Redevelopment Area to the Jersey City Redevelopment Agency

RECORD OF COUNCIL VOTE ON INTRODUCTION								AUG 22 2007 8-0			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	ABSENT			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING								SEP 11 2007 8-0			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
<b>LIPSKI / SOTTOLANO</b>				GAUGHAN	✓			BRENNAN	✓		
SOTTOLANO	✓			FULOP	✓			FLOOD	✓		
SPINELLO	✓			RICHARDSON	✓			VEGA, PRES.	ABSENT		
LIPSKI	✓										

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
SPINELLO				FULOP				FLOOD			
LIPSKI				RICHARDSON				VEGA, PRES.			

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF FINAL COUNCIL VOTE								SEP 11 2007 8-0			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	ABSENT		

✓ Indicates Vote

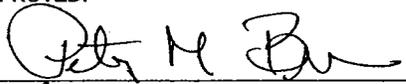
N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on AUG 22, 2007

Adopted on second and final reading after hearing on SEP 11 2007

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on SEP 11 2007

  
 Robert Byrne, City Clerk

APPROVED: \_\_\_\_\_  
  
 for Mariano Vega, Jr., Council President

Date: SEP 11 2007

APPROVED: \_\_\_\_\_  
  
 Jeremiah J. Healy, Mayor  
 Date SEP 19 2007  
 Date to Mayor SEP 12 2007

\*Amendment(s): \_\_\_\_\_

City Clerk File No. Ord. 07-156

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 07-156

TITLE:

**ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AN AMENDMENT TO THE LAND DEVELOPMENT ORDINANCE CREATING AN R-1F ZONING DISTRICT**

**WHEREAS**, the Municipal Council, pursuant to NJSA 40:55D-62, may adopt or amend a zoning ordinance relating to the nature and extent of the uses of land and of buildings and structures thereon; and

**WHEREAS**, the Municipal Council adopted the Land Development Ordinance, Chapter 345 of the Code of the City of Jersey City, on April 11, 2001, (Ordinance No. 01-042), and several amendments since then; and

**WHEREAS**, the Jersey City Master Plan makes reference to creating new zones throughout the city to reflect the City's variety of lot sizes; and

**WHEREAS**, the proposed amendment would create a new zoning district with a larger lot size minimum where such larger lots exist in ward F; and

**WHEREAS**, the Municipal Council, pursuant to NJSA 40:55D-64, has sought and received the recommendations of the Jersey City Planning Board relative to these issues; and

**WHEREAS**, the Planning Board at its meeting of July 31, 2007 did vote to recommend that the Municipal Council create an "R-1F" zone; and

**WHEREAS**, the amendments to the Land Development Ordinance are attached hereto and made a part hereof, and are 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 Land Development Ordinance, be and hereby is amended as per the attached document;

**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.

Robert D. Cotter, AICP, PP, 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 AN AMENDMENT TO THE LAND DEVELOPMENT ORDINANCE CREATING AN R-1F ZONING DISTRICT**

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

Robert P. Antonicello, Acting Director, Department of Housing, Economic Development, and Commerce

**3. Concise Description of the Plan Proposed in the Ordinance:**

Creates an R-1F One and Two Family Zoning District

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

The new R-1F zoning district is needed to protect streets with larger houses on large lots from subdivision and infill of smaller houses out of character of the neighborhood and to protect the variety of lot sizes in Ward F.

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

Facilitation of more appropriate, compatible development.

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

None

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

Upon approval

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

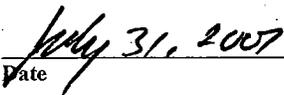
**9. Persons Responsible for Coordinating Proposed Program, Project, etc.:**

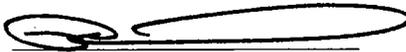
Robert P. Antonicello, Acting Director, Dept of HEDC  
Robert D. Cotter, City Planning Director  
Anthony J. Lambiase, Director, Division of Zoning

**10. Additional Comments: None**

I Certify that all the Facts Presented Herein are Accurate.

  
\_\_\_\_\_  
Division Director

  
\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Department Director Signature

\_\_\_\_\_  
Date

## **SUMMARY STATEMENT**

### **ORDINANCE OF THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY ADOPTING AN AMENDMENT TO THE LAND DEVELOPMENT ORDINANCE CREATING AN R-1F ZONING DISTRICT**

This Ordinance will amend Article V of the Land Development Ordinance (Zoning Ordinance) to create an R-1F One and Two Family Housing Zone similar to the existing R-1 and R-1A zones with a larger lot size minimum, setbacks, lot width, and smaller building coverage and lot coverage, in order to protect the character of certain streets and the variety of lot sizes in Ward F where larger houses on large lots are common. The proposed R-1F zone also allows for three-family homes as a conditional use.

# Proposed Amendments to Article V of the Jersey City Land Development Ordinance

## Revised Draft Prepared: July 31, 2007

Material indicated by strikethrough like ~~this~~ is existing material that is intended to be deleted.

Material indicated by bold italic *like this* is new material that is intended to be enacted.

### §345-34. Zoning districts.

For the purpose of this Chapter, the City of Jersey City is hereby divided into the following zoning districts and shown on the Zoning Map:

- A. R-1 One and Two Family Housing;
- B. R-1A One and Two Family Housing;
- C. R-1F One and Two Family Housing;**
- ~~C.~~ **D. R-2 Multi-Family Attached Housing;**
- ~~D.~~ **E. R-3 Multi-Family Mid-Rise Housing;**
- ~~E.~~ **F. R-4 Multi-Family High-Rise Housing;**
- ~~F.~~ **G. NC Neighborhood Commercial;**
- ~~G.~~ **H. O/R Office/Residential;**
- ~~H.~~ **I. CBD Central Business District;**
- ~~I.~~ **J. HC Highway Commercial;**
- ~~J.~~ **K. C/A Commercial/Automotive;**
- ~~K.~~ **L. I Industrial;**
- ~~L.~~ **M. PI Port Industrial;**
- ~~M.~~ **N. U University;**
- ~~N.~~ **O. M Medical;**
- ~~O.~~ **P. G Government;**
- ~~P.~~ **Q. P/OS Parks/Open Space;**
- ~~Q.~~ **R. WPD Waterfront Planned Development;**
- ~~R.~~ **S. C Cemetery;**
- ~~S.~~ **T. H Historic District;**
- ~~T.~~ **U. DT Destination Tourism.**

§ 345-35. Zoning map.

(See attached map amendments.)

§ 345-40.6 *R-1F One and Two Family Housing District.*

**A. Purpose.**

*The purpose of this district is to preserve the pattern, quality, and architectural individuality of the existing detached one- and two-family homes and to discourage subdivision and demolition. This district is similar to the R-1 zone except that it is intended to protect clusters of larger on lot sizes that are larger than the standard 25x100 lot size for Jersey City.*

**B. Permitted principal uses are as follows:**

1. *One family dwellings.*
2. *Dwellings with two dwelling units.*

**C. Uses incidental and accessory to the principal use, such as:**

1. *Private garages.*
2. *Off-street parking.*
3. *Fences and walls.*
5. *Home occupations.*
6. *Swimming pools.*
8. *Decks and patios.*

**D. Conditional Uses**

1. *Dwellings with three units.*

**E. Bulk Standards for One, Two, and Three Family Dwellings.**

1. *Minimum Lot Size: Four thousand (4,000) square feet.*
2. *Minimum Lot Width: Forty (40) feet.*
3. *Minimum Lot Depth: One hundred (100) feet.*
4. *Front Yard Setback: Predominant setback shall apply.*
5. *Side Yards: Minimum of five feet on both sides.*
6. *Minimum Rear Yard: Thirty (30) feet.*
7. *Maximum Building Height: three stories and thirty-five (35) feet; for three-family buildings, see conditional uses standards for height.*
8. *Maximum Building Coverage: Fifty-five percent (55%).*
9. *Maximum Lot Coverage: Seventy-five percent (75%).*
10. *Maximum Accessory Building Height: Fifteen (15) feet.*
11. *Minimum Accessory Building Setbacks:*

**Rear Yard: Three (3) feet;**

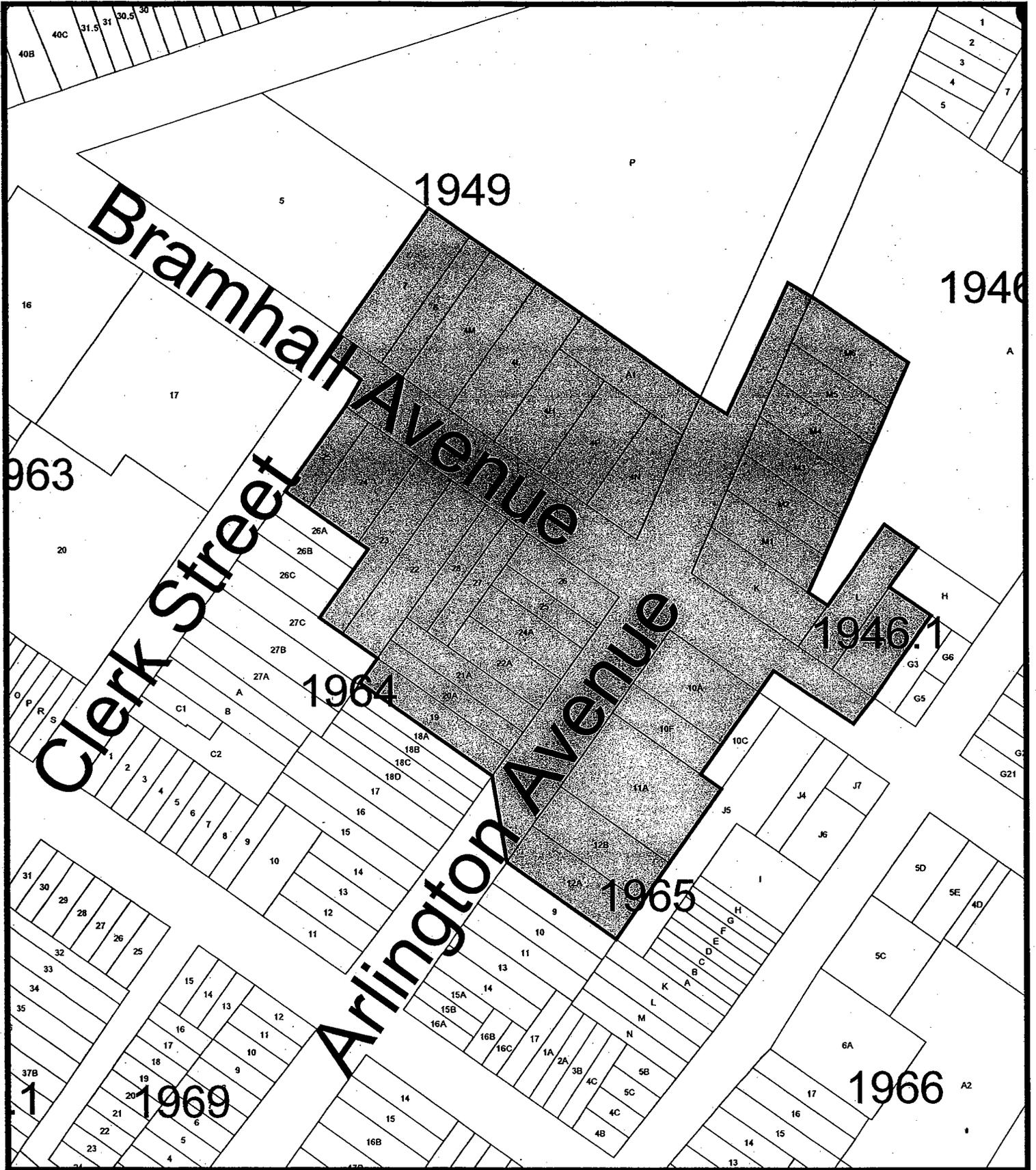
**Side Yard: Two (2) feet.**

**F. Parking Standards for One, Two, and Three Family Dwellings.**

- 1. Minimum required parking: one space per dwelling unit.**
- 2. No parking shall be permitted between the building line and the street line. Garage entrances must be on the rear wall of the building or as part of a detached or attached fully enclosed garage.**
- 3. Maximum width of driveway: Ten (10) feet.**

**G. Conditional Use Standards for Three-family homes.**

- 1. Homes must be designed to appear as single family dwellings. Three-family buildings must have only one front entry.**
- 2. Three parking spaces must be provided on site. Garage entrances must be on the rear wall of the building or as part of a detached or attached fully enclosed garage.**
- 3. Homes must be designed to include architectural elements such as gables, front porches, transoms, cornices, divided light windows, dormers, bay windows, oriels, turrets, and other elements found within the existing streetscape.**
- 4. Roof pitches must be designed to be compatible with adjacent houses by using prevalent slopes and angles.**
- 5. All exterior walls are to be treated with the same materials and architectural detail; although, the treatment of side and rear walls may be simplified.**
- 6. Design elements shall have compatible rhythm and repetition with an emphasis on materials and colors prevalent in the neighborhood.**
- 7. Building height shall be visually compatible with adjacent buildings. The size, scale, and height of new construction shall relate to the prevailing pattern of the streetscape.**
- 8. Buildings are to be sited on their lot so that their placement and relationship to surrounding property is equivalent to the exiting pattern of development on the street.**
- 9. Materials must reflect the predominant traditional building materials in use on existing homes. Where appropriate, the use of multiple materials may be encouraged. However, use of EFIS, vinyl siding, light colored brick, stucco, brick-face, stone-face, and other inappropriate cladding materials is strictly prohibited.**



**ZONING MAP AMENDMENT  
FOR THE PROPOSED R-1F ZONE**



CITY OF JERSEY CITY  
DIVISION OF CITY PLANNING

MAP NO.: 431

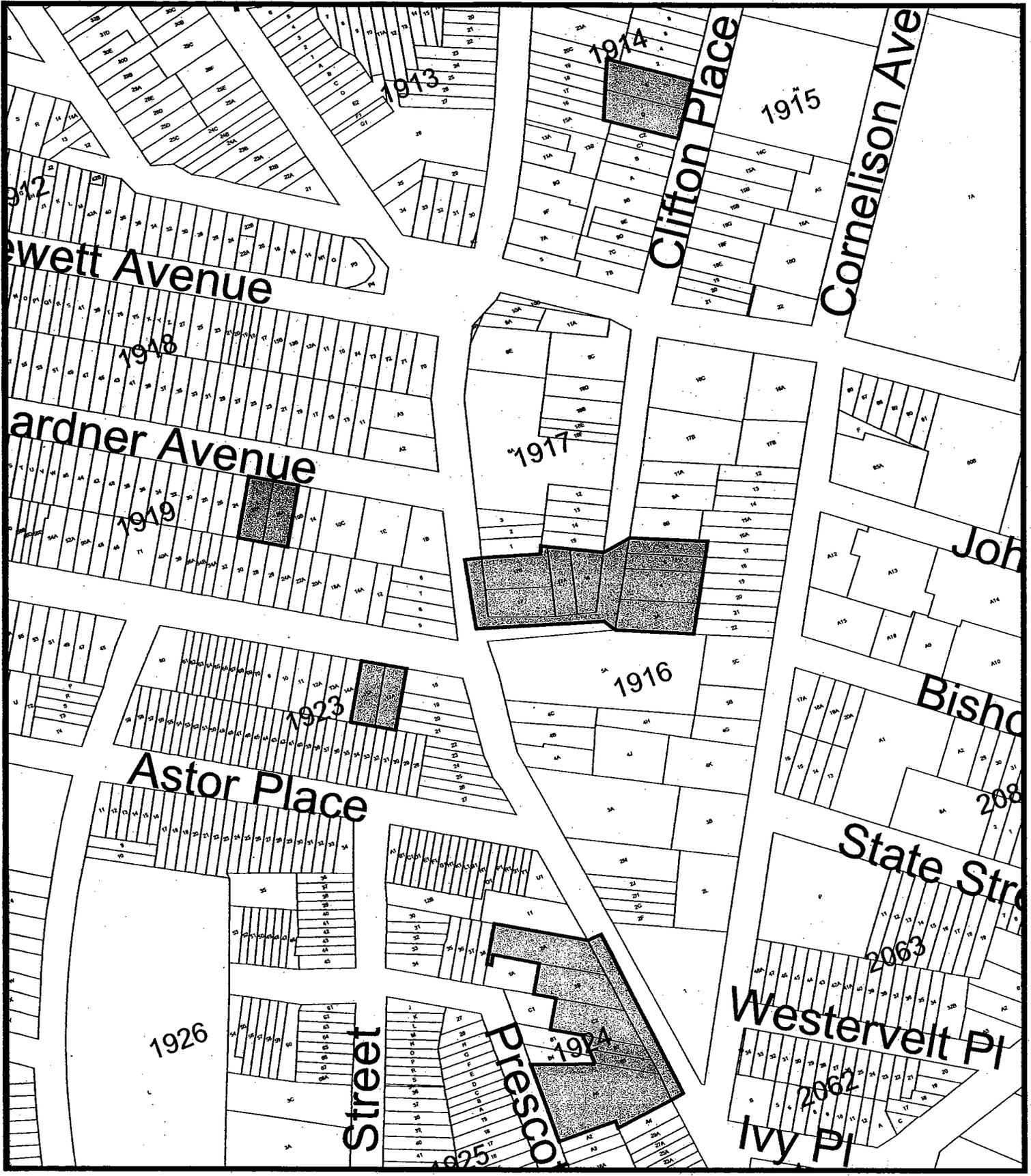


1 inch equals 125 feet

**Legend**

 R-1A





**ZONING MAP AMENDMENT  
FOR THE PROPOSED R-1F ZONE**



CITY OF JERSEY CITY  
DIVISION OF CITY PLANNING

MAP NO.: 432

1 inch equals 200 feet



**Legend**

 R-1A



**ZONING MAP AMENDMENT  
FOR THE PROPOSED R-1F ZONE**

**Legend**

 R-1A



1 inch equals 250 feet



CITY OF JERSEY CITY  
DIVISION OF CITY PLANNING

MAP NO.: 433



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

Ord. 07-156

ORDINANCE NO. \_\_\_\_\_

TITLE: **3.D. AUG 2 2 2007**      **4.D. SEP 1 1 2007**

Ordinance of the Municipal Council of the City of Jersey  
City adopting an amendment to the Land Development  
Ordinance creating an R-1F zoning district.



RECORD OF COUNCIL VOTE ON INTRODUCTION								AUG 2 2 2007 8-0			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	ABSENT			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	✓		

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

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING								SEP 1 1 2007 8-0			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	ABSENT		

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

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
SPINELLO				FULOP				FLOOD			
LIPSKI				RICHARDSON				VEGA, PRES.			

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

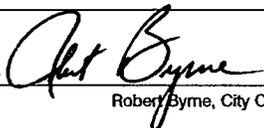
RECORD OF FINAL COUNCIL VOTE								SEP 1 1 2007 8-0			
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	ABSENT		

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

Adopted on first reading of the Council of Jersey City, N.J. on AUG 2 2 2007

Adopted on second and final reading after hearing on SEP 1 1 2007

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on SEP 1 1 2007

  
 Robert Byrne, City Clerk

APPROVED: \_\_\_\_\_  
*Mariano Vega, Jr.*  
 for Mariano Vega, Jr., Council President

Date: SEP 1 1 2007

APPROVED: \_\_\_\_\_  
  
 Jeremiah T. Healy, Mayor

Date: SEP 1 9 2007

Date to Mayor SEP 1 2 2007

\*Amendment(s): \_\_\_\_\_

City Clerk File No. Ord. 07-157

Agenda No. 3.E 1st Reading

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



# ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 07-157

**TITLE:** AN ORDINANCE SUPPLEMENTING CHAPTER 332 (VEHICLES AND TRAFFIC) ARTICLE XI (SCHEDULES) SCHEDULE 25 (PARKING FOR THE DISABLED) OF THE JERSEY CITY CODE DESIGNATING A RESERVED PARKING SPACE AT 177 BERGEN AVENUE; 131 HIGHLAND AVENUE; 81 PROSPECT STREET; 130 PROSPECT STREET; 204 SEAVIEW AVENUE AND 283 STEGMAN PARKWAY AND REPEAL THE RESERVED PARKING SPACE AT 242 CLAREMONT AVENUE; 132-134 PROSPECT STREET AND 208 SEAVIEW AVENUE AND AMEND THE RESERVED PARKING SPACE AT 165 PINE STREET

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

1. Chapter 332 (Vehicles and Traffic) Article XI (Schedules) of the Jersey City Code is hereby supplemented as follows:

Section 332-77

SCHEDULE 25  
PARKING FOR THE DISABLED

Restricted parking spaces, (measuring approximately 22 feet in length) in front of residential building for use by persons who have been issued special vehicle identification cards by the Division of Motor Vehicles and handicapped parking permits issued by the Traffic Division.

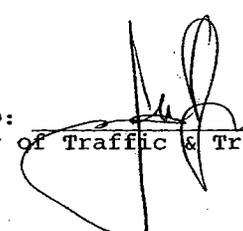
Mamie Harley	<u>177 Bergen Avenue</u> [ <u>242 Claremont Avenue</u> ]
Walter Cummings	<u>131 Highland Avenue</u>
[Michael] Marie Bayus	165 Pine Street
Roy Buckman	<u>81 Prospect Street</u>
Carmen Rodriguez	[ <u>132-134</u> ] <u>130 Prospect Street</u>
Theresa Caso	[ <u>208</u> ] <u>204 Seaview Avenue</u>
Minda Manalac	<u>283 Stegman Parkway</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.
- This ordinance shall take effect at the time and in the manner as prescribed by law.
- 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 to be inserted is underscored; the material to be repealed is in [*brackets*].

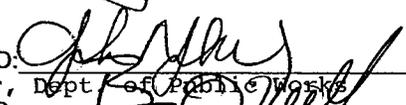
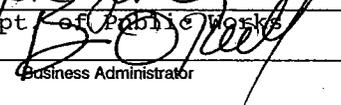
2007265

JDS:pcl  
(08/13/07)

APPROVED:   
Director of Traffic & Transportation

APPROVED AS TO LEGAL FORM

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

APPROVED:   
Director, Dept. of Public Works  
APPROVED:   
Business Administrator

Certification Required

Not Required

**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 XI(Schedules)Schedule 25(Parking for the Disabled) of the Jersey City Code designating a reserved parking space at 177 Bergen Avenue; 131 Highland Avenue; 81 Prospect Street; 130 Prospect Street; 204 Seaview Avenue and 283 Stegman Parkway and repeal the reserved parking space at 242 Claremont Avenue; 132-134 Prospect Street and 208 Seaview Avenue and amend the reserved parking space at 165 Pine Street

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

Director Joao D'Souza, Division of Traffic & Transportation

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

Designate, delete and amend a reserved parking space at various locations throughout the City

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

To provide a reserved parking space for those individuals who are disabled to the degree his/her mobility is severely limited.

**5. Anticipated benefits to the community:**

Allow those individuals approved by The Municipal Council Committee for Reserved Parking to have a reserved parking space at or near their residence, therefore, improving the quality of their life.

**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 \$150.00 per sign/post installation.

**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 Traffic and Transportation

**10. Additional comments:**

Ordinance proposed at the request of The Municipal Council Committee for Disabled Parking

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

  
Signature of Department Director

8/14/07  
Date

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

Ord. 07-157

ORDINANCE NO. \_\_\_\_\_

TITLE: 3.E. AUG 2 2 2007      4.E. SEP 1 1 2007



An ordinance supplementing Chapter 332 (Vehicles and Traffic) Article XI (Schedules) Schedule 25 (Parking for the Disabled) of the Jersey City Code designating a reserved parking space at 177 Bergen Avenue; 131 Highland Avenue; 81 Prospect Street; 130 Prospect Street; 204 Seaview Avenue and 283 Stegman Parkway and repeal the reserved parking space at 242 Claremont Avenue; 132-134 Prospect Street and 208 Seaview Avenue and amend the reserved parking space at 165 Pine Street

RECORD OF COUNCIL VOTE ON INTRODUCTION											
AUG 2 2 2007 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	ABSENT			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	✓		

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

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING															
SEP 1 1 2007 8-0															
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.				
<i>RICHARDSON / LIPSKI</i>				SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
				SPINELLO	✓			FULOP	✓			FLOOD	✓		
				LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	ABSENT		

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

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
SPINELLO				FULOP				FLOOD			
LIPSKI				RICHARDSON				VEGA, PRES.			

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

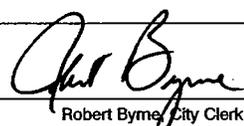
RECORD OF FINAL COUNCIL VOTE											
SEP 1 1 2007 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	ABSENT		

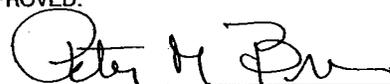
✓ Indicates Vote N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on AUG 2 2 2007

Adopted on second and final reading after hearing on SEP 1 1 2007

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on SEP 1 1 2007

  
 \_\_\_\_\_  
 Robert Byrne, City Clerk

APPROVED:  
  
 \_\_\_\_\_  
 for Mariano Vega, Jr., Council President

Date: SEP 1 1 2007

APPROVED:  
  
 \_\_\_\_\_  
 Jerramiah Healy, Mayor

Date: SEP 1 9 2007

Date to Mayor SEP 1 2 2007

\*Amendment(s):

City Clerk File No. Ord. 07-158

Agenda No. 3.F. 1st Reading

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



## ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE *07-158*

**TITLE: ORDINANCE SUPPLEMENTING CHAPTER 3 (ADMINISTRATIVE CODE, ARTICLE XI (DEPARTMENT OF POLICE) OF THE CITY OF JERSEY CITY ESTABLISHING THE PROCEDURE AND FEES FOR PROVIDING OFF-DUTY POLICE OFFICERS FOR SPECIAL DETAIL ASSIGNMENTS**

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

**WHEREAS**, the Police Director has advised that it is in the interest of the City of Jersey City for the Police Department to facilitate off-duty employment, with separate and independent employers and to administer payment to police officers for off-duty assignments; and

**WHEREAS**, the Police Director has requested that the Counsel establish the fees to be charged to a private employer requiring the services of an off-duty police officer; and

**WHEREAS**, The Police Director intends to notify all private employers which regularly use the services of off-duty police officers that the Police Department has established new procedures for requesting the use of these officers.

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

A. The following supplement to Chapter 3 (Administrative Code), Article XI (Department of Police) of the Jersey City Code is adopted:

### **ARTICLE XI. DEPARTMENT OF POLICE**

#### **§ 3-85.1 Off-duty employment.**

**A. Purpose.** For the convenience of those persons and entities which utilize the services of off-duty law enforcement officers of the Jersey City Police Department, and to authorize the outside employment of Municipal Police while off-duty, the City of Jersey City hereby establishes a policy regarding the use of said officers in compliance with Attorney General Formal Opinion 1997-No. 23.

(1) Members of the City of Jersey City Police Department, at their option, shall be permitted to accept police-related employment for private employers, who are separate and independent from the City of Jersey City, only during off-duty hours and at such time as will not interfere with the efficient performance of regularly scheduled or emergency duty of the City.

(2) Any person or entity wishing to employ off-duty police shall first obtain the approval of the Chief of Police or his or her designee, which approval shall be granted if, in the opinion of the Chief of Police or his or her designee, such employment is necessary and would not be inconsistent with the efficient functioning and good reputation of the Police Department and would not unreasonably endanger or threaten the safety of the officer or officers who are to perform the work.

**B. Trust account.**

(1) To assure the timely payment of wages to police officers who perform off-duty services, and to meet the requirements of the Fair Labor Standards Act, the City of Jersey City has established a trust fund known as the "Off-Duty Employment Trust Account," which trust fund is dedicated for the receipt of fees collected from private persons or entities for the payment to police officers for off-duty or outside employment services. The "Off-Duty Employment Trust Account" shall be administered by the Fiscal Bureau of the Jersey City Police Department which shall make a written report to the Chief of Police every Ninety (90) Days regarding said account. Payments to police officers shall be on a bi-weekly basis with all appropriate deductions.

(2) Any person or entity requesting the services of an off-duty law enforcement officer in the City of Jersey City Police Department shall estimate the number of hours such law enforcement services are required, which estimate shall be approved in writing by the Chief of Police, or his or her designee, and shall establish a Trust Account within the "Off-Duty Employment Trust Account" by depositing an amount sufficient to cover the rates of compensation and administrative fees set forth in Subsection D for the total estimated hours of service.

(3) In any instance where the number of hours required is unknown and cannot be reasonably estimated, or is anticipated to be in excess of 10 days, the person or entity requesting the services of an off-duty law enforcement officer shall deposit an amount sufficient to cover the rate of compensation and administrative fees set forth in Subsection D for the equivalent of 10 days prior to the commencement of any work. Any unused portion of the deposit shall be returned or credited against the final amount owed.

(4) Prior to posting any request for services of off-duty law enforcement officers, the Chief of Police or his or her designee shall verify that the balance in the Trust account of the person or entity requesting services is sufficient to cover the compensation and fees for the number of hours specified in the request for services. The Chief of Police or his or her designee shall not post a request for services from any person or entity unless all fees and compensation required in the manner described above have been deposited in the "Off-Duty Employment Trust Account." All payments must be remitted directly to the City of Jersey City for said account. Deposits shall be in the form of certified check, bank check, money order or business check, at the discretion of the Fiscal Officer. No officer shall be paid directly by any employer for requested services nor provide any such services for more hours than are specified in the request for services.

(5) In the event the funds in such an Trust Account should become depleted, services of off-duty law enforcement officers shall cease, and requests for further or future services shall not be performed or posted until additional funds have been deposited in the Trust Account in the manner prescribed above. In the event of an unforeseen emergency situation that would require an officer to remain beyond the time for which funds have been posted, the Chief of Police or his or her designee may waive the requirement for posting additional funds after the first 10 hours for any person or entity exhibiting a previous satisfactory payment history. However, payment for the additional hours shall be made by the person or entity requiring the extended service within 48 hours.

(6) The person or entity requesting such services shall be responsible for ensuring that sufficient funds remain in the Trust account in order to avoid any interruption of services. In the event of a project which requires services over an extended period of time the Fiscal Officer may require advance payment equal to 25% of the projected extended time period with additional 25% advances as a project continues.

(7) Exemption. All public utility companies that are under the jurisdiction of, and regulated by, the New Jersey Board of Public Utilities and the Jersey City Housing Authority are exempt from the provisions set forth in this section requiring advance payment to the Trust Account; providing, however, that there are no amounts previously due that are outstanding for a period in excess of 15 days. Any such delinquent balances shall require advance payment of the amount outstanding prior to any officer engaging in any further off-duty assignments.

**C. Requests for services.**

(1) All requests to the City for the services of off-duty law enforcement officers in the City of

Jersey City Police Department for a period of one week or longer shall be forwarded to the Chief of Police or his or her designee for posting at least 10 days before such services are required. Any law enforcement officers, when so employed by private employers shall be compensated at the rates set forth in Section D, hereafter.

(2) All requests to the City for the services of off-duty law enforcement officers in the City of Jersey City Police Department for a period of less than one week shall be forwarded to the Chief of Police or his or her designee for posting as soon as practicable, but in no event less than 24 hours before such services are required, except in emergency situations. Any law enforcement officers, when so employed by private employers shall be compensated at the rates set forth in Section D, hereafter.

(3) In emergency situations, requests for the services of off-duty law enforcement officers in the City of Jersey City Police Department, shall be made, as necessary, to the Chief of Police or his or her designee, who shall make every effort to accommodate such request in a reasonable manner in his or her discretion. Any law enforcement officers, when so employed by private employers shall be compensated at the rates set forth in Section D, hereafter. All payments in emergency situations must be paid within 48 hours. Completed claim forms are to be provided to the officer at the time the services are rendered and the officer shall deliver same to the appropriate precinct.

**D. Rates of compensation; administrative fee; payment for services.**

(1) Rates of compensation for contracting the services of off-duty law enforcement officers are established as follows:

(a) Rate of compensation for police officers for details at construction sites between the hours of 7:00AM and 4:00PM shall be at the rate of \$35.00 per hour. Any hours after 4 P.M shall incur a night differential at an additional \$10.00 per hour. In addition, any construction details on Saturdays, shall be paid at time and a half rate and Sunday or Holidays as set forth herein, shall be at a double time rate, without any night differential.

(b) Any details at a commercial multi store complex shall be at the hourly rate of \$35.00 without any night, Saturday, Sunday and Holiday differential.

(c) Any commercial single store detail; details for or on behalf of tax exempt organization, non-profit (503c3) organizations, civic organizations, individuals in non-commercial situations, shall be at the hourly rate of \$25.00 without any night, Saturday, Sunday and Holiday differential. However, any such details deemed by the Chief of Police or his designee, based upon prior history, to involve major or unusual crowd control issues, including but not limited to, parades and festivals, then in that event the hourly rate shall be \$50.00, per hour.

(d) Rate of compensation for police officers for details at movie sets shall be at the rate of \$45.00. Any hours after 4 P.M shall incur a night differential at an additional \$10.00 per hour. There shall be no differential for Saturday, Sunday or Holidays.

(e) Rate of compensation for police officers for details outside an Alcoholic Beverage Control licensed premises and/or event, shall be at the hourly rate of \$50.00. Details are not permitted on the "licensed premises" itself, which is the area licensed for alcohol consumption, retail sale or storage. There shall be no differential for nights, Saturday, Sunday or Holidays.

(f) Any detail requiring the services of a superior of the rank of Sergeant or Lieutenant only, shall receive compensation at an additional \$10.00 per hour, above the hourly rate of police officers assigned to said details. The Chief of Police or his designee, shall determine if a detail requires the services of such a superior.

(g) Holidays referenced herein are New Years Eve, New Years Day, Martin Luther King's Birthday, Good Friday, Memorial Day, July 4<sup>th</sup>, Labor Day, Veterans Day, Thanksgiving Day, Christmas Eve and Christmas Day.

(h) Any off-duty details over 8 hours will be paid at a time and a half rate beginning with the ninth hour.

(i) Fee for police vehicle and fuel per hour or part thereof: \$10. 00. The necessity for a police vehicle at a particular job site will be at the determination of the District Commander of the district of the detail.

(j) Additional fee of \$5.00 per officer per hour is hereby established to cover administrative costs, overhead and out-of-pocket expenses of the City of Jersey City. This additional fee will not be charged to ~~any nonprofit (501c3)~~ any organization for ~~any~~ any event ~~of the nonprofit~~ that takes place in a City owned building ~~nor~~ or to the Jersey city Housing Authority.

(k) Any work or project conducted by a Jersey City Governmental Entity shall not qualify for off-duty police services with the exception of the Jersey City Housing Authority. The rate for police officers and detectives for the Jersey City Housing Authority shall be, at site based assignments, \$25.00 per hour; Sgts. \$26.00 per hour; Lt. \$27.00 per hour; and Capt. \$29.00 per hour. All rotating assignments shall be paid at the rate of \$22.00 per hour. There shall be no night, Saturday, Sunday and Holiday differential regardless of assignment.

The aforesaid rates may be reviewed from time-to-time as may be appropriate, however, shall remain in full force and effect until appropriately amended.

**E. Cancellation.** In the event that the person or entity requesting the services of off-duty law enforcement officers fails to contact the City of Jersey City Police Department at least eight hours prior to the scheduled start time to cancel the job, or the officer works less than four hours and the job is completed, the officer is entitled to be paid for a minimum of four hours at the rate of compensation set forth in Subsection D.

**F. Public emergency.** The Chief of Police or his or her designee shall have the authority to order any police officer engaged in off-duty assignments within the City to respond to an emergency situation within the City of Jersey City. The Chief of Police or his or her designee shall also have the right to order any off-duty assignment to be terminated whenever said assignment creates an unacceptable risk to the health, safety and welfare of the off-duty officer and/or the citizens of the City of Jersey City. In the event that a police officer is assigned to an emergency situation, the Chief of Police or his or her designee shall make note of said off-duty assignment. In any situation where an off-duty police officer is called to an emergency situation, said person or entity shall not be responsible for the payment of the officer's hourly rate, administrative fee or any other fees to the City of Jersey City until such time as said police officer and/or equipment returns to the assignment with the off-duty employer.

**G.** All ordinances and parts of ordinances inconsistent herewith are hereby repealed.

**H.** The City Clerk shall have this ordinance codified and incorporated in official copies of the Jersey City Code.

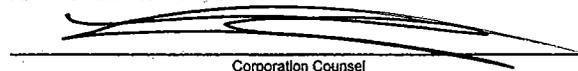
**I.** This ordinance shall take effect at the time and in the manner as provided by law.

**J.** 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 is new; therefore, underlining has been omitted. For purposes of advertising only, new matter is indicated by **bold face** and repealed matter by *italic*.

JM/he  
8/20/07

APPROVED AS TO LEGAL FORM

  
Corporation Counsel

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

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

Certification Required   
Not Required

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

Ord. 07-158

ORDINANCE NO. \_\_\_\_\_

TITLE: 3.F. AUG 22 2007      4.F. SEP 11 2007



Ordinance supplementing Chapter 3 (Administrative Code, Article XI (Department of Police) of the City of Jersey City establishing the procedure and fees for providing off-duty police officers for special detail assignments (Exemptions from additional fees).

RECORD OF COUNCIL VOTE ON INTRODUCTION											
AUG 22 2007 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	ABSENT			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	✓		

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
SEP 11 2007 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
<u>SOTTOLANO/SPINELLO</u>				GAUGHAN	✓			BRENNAN	✓		
SOTTOLANO	✓			FULOP	✓			FLOOD	✓		
SPINELLO	✓			RICHARDSON	✓			VEGA, PRES.	ABSENT		
LIPSKI	✓										

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
SPINELLO				FULOP				FLOOD			
LIPSKI				RICHARDSON				VEGA, PRES.			

✓ Indicates Vote

N.V.-Not Voting (Abstain)

RECORD OF FINAL COUNCIL VOTE											
SEP 11 2007 8-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	✓			FLOOD	✓		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	ABSENT		

✓ Indicates Vote

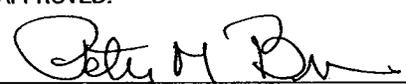
N.V.-Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on AUG 22 2007

Adopted on second and final reading after hearing on SEP 11 2007

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on SEP 11 2007

\_\_\_\_\_  
  
 Robert Byrne, City Clerk

APPROVED:  
  
 for Mariano Vega, Jr., Council President

Date: SEP 11 2007

APPROVED:  
  
 James J. Healy, Mayor

Date to Mayor SEP 12 2007

\*Amendment(s):

City Clerk File No. Ord. 07-139

Agenda No. 3.I. 1st Reading

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

4.G. SEP 11 2007



# ORDINANCE OF JERSEY CITY, N.J.

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

CITY ORDINANCE 07-139

**TITLE: ORDINANCE APPROVING A 10 YEAR TAX EXEMPTION FOR A MARKET RATE MIXED USE RENTAL PROJECT TO BE CONSTRUCTED BY AQUA URBAN RENEWAL COMPANY, LLC, AN URBAN RENEWAL ENTITY, PURSUANT TO 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**, Aqua Urban Renewal Company, LLC, 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. (Entity); and

**WHEREAS**, the Entity owns certain property known as Block 20, Lot 3.15, on the City's Official Tax map, consisting of approximately 1.44 acres, and more commonly known by the street address of 110 River Drive, and more specifically described by metes and bounds, in the application (Property); and

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

**WHEREAS**, the Entity has applied for a 10 year long term tax exemption to construct a new multiple dwelling, market rate residential rental project, which will consist of a thirty-one (31) story building with approximately three hundred fifty-eight (358) residential rental units and approximately sixteen thousand (16,000) square feet of ground level retail space located in Block 20, Lot 3.15 on the City's Tax Map and more commonly known as 110 River Drive, Jersey City, with parking available for rental tenants and retail customers in the Shore Condominium garage located directly across River Drive from the Project; and

**WHEREAS**, Aqua Urban Renewal Company, LLC, has agreed to:

1. pay the greater of (i) the Minimum Annual Service Charge or (ii) 10% of the Annual Gross Revenue each year, which sum is estimated to be \$816,356; and which shall be subject to statutory staged increases over the term of the tax exemption; and
2. pay an annual sum equal to 2% of each prior year's Annual Service Charge as an Administrative Fee; 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; and
5. pay the sum of \$561,000 to the City's Affordable Housing Trust Fund; 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. the current real estate taxes generate revenue of only \$8,856 whereas, the Annual Service Charge as estimated, will initially generate revenue of more than \$816,356 to the City and an additional sum of approximately \$40,817 to Hudson County;
2. it is expected that the Project will create approximately 300 jobs during construction and 25 new permanent jobs;
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 Newport Redevelopment Plan;
5. the City's impact analysis, on file with the Office of the City Clerk, indicates that the benefits of the Project outweigh the costs to the City; 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**, Aqua Urban Renewal Company, LLC, has initially complied with Executive Order 2002-005 concerning "Disclosure of Lobbyist Representative Status" by filing an appropriate letter in the Office of the City Clerk.

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

A. The application of Aqua Urban Renewal Company, LLC, an urban renewal company, formed and qualified to do business under the provisions of the Long Term Tax Exemption Law of 1992, as amended and supplemented, N.J.S.A. 40A:20-1 et seq. a copy of which is on file in the office of the City Clerk, for Block 20, Lot 3.15, more commonly known by the street address of 110 River Drive, more specifically described by metes and bounds in the application 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, provided that the prepayment and contribution agreement relating to this Property authorized by separate Resolution has been fully executed. The Financial Agreement shall include at a minimum the following terms and conditions:

1. Term: the earlier of 12 years from the adoption of the within Ordinance or 10 years from the date the project is Substantially Complete;
2. Annual Service Charge: each year the greater of:
  - (a) the Minimum Annual Service Charge equal to \$816,356 upon Project Completion, whether or not the Project is occupied; or

(b) 10% of Annual Gross Revenue, which sum is estimated to be \$816,356, and which shall be subject to statutory increases during the term of the tax exemption.

- 3. Administrative Fee: 2% of the prior year's Annual Service Charge;
- 4. County Payment: 5% of the Annual Service Charge to the City for remittance by the City to Hudson County;
- 5. Project: A new multiple dwelling, market rate residential rental project, which will consist of a thirty-one (31) story building with approximately three hundred fifty-eight (358) residential rental units and approximately sixteen thousand (16,000) square feet of ground-level retail space;
- 6. Affordable Housing Trust Fund: \$1,500 per unit or \$537,000 and \$1.50 per square foot x 16,000 square feet or \$24,000, for a total of \$561,000;
- 7. An obligation to execute a Project Employment and Contracting Agreement to insure employment and other economic benefits to City residents and businesses.

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

D. The application is on file with the office of the City Clerk. The 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.

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

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

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

H. The City Clerk and Corporation Counsel be and they are hereby authorized and directed to change any chapter numbers, article numbers and section numbers in the event that the codification of this ordinance reveals that there is a conflict between those numbers and the existing code, in order to avoid confusion and possible accidental repealers of existing provisions.

NOTE: All material is new; therefore underlining has been omitted. For purposes of advertising only, new matter is indicated by **bold face** and repealed matter by *italic*.

JM/he  
7/16/07

APPROVED AS TO LEGAL FORM

Jeanne Monahan  
Corporation Counsel

Certification Required   
Not Required

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

APPROVED: [Signature]  
Business Administrator

AQUA URBAN RENEWAL COMPANY, LLC

	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7	Year 8	Year 9	Year 10	Total	Aqua Pays
Adjusted Gross Revenue (with 5% vacancy taken)	8,163,565	8,163,565	8,163,565	8,163,565	8,163,565	8,163,565	8,163,565	8,163,565	8,163,565	8,163,565	81,635,655	
Conv. Tax (30% exp., 9.5% cap, 28.71%, \$54,25)	936,887	936,887	936,887	936,887	936,887	936,887	936,887	936,887	936,887	936,887	9,368,870	
Revenue to City (45.86%)	429,656	429,656	429,656	429,656	429,656	429,656	429,656	429,656	429,656	429,656	4,296,566	
Long Term Tax Exemption (10% Adjusted Gross)	816,357	816,357	816,357	816,357	816,357	816,357	816,357	816,357	816,357	816,357	8,163,565	
Administrative Fee (2% of ASC)	16,327	16,327	16,327	16,327	16,327	16,327	16,327	16,327	16,327	16,327	163,271	
Revenue to City (100%)	832,684	832,684	832,684	832,684	832,684	832,684	832,684	832,684	832,684	832,684	8,326,840	
County Service Charge (5%)	40,818	40,818	40,818	40,818	40,818	40,818	40,818	40,818	40,818	40,818	408,178	
5-Year Exemption (0, 20, 40, 60, 80)		187,377	326,543	489,814	653,085	936,887	936,887	936,887	936,887	936,887	6,341,254	
Revenue to City (45.86%)		85,931	149,752	224,629	299,505	429,656	429,656	429,656	429,656	429,656	2,908,099	
5-Year Exemption (0, 39, 59, 79, 80)		365,386	552,763	740,141	749,510	936,887	936,887	936,887	936,887	936,887	7,092,235	
Revenue to City (45.86%)		167,566	253,497	339,429	343,725	429,656	429,656	429,656	429,656	429,656	3,257,799	

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

ORDINANCE NO. Ord. 07-139

3. I. JUL 1 8 2007  
4. I. AUG 0 8 2007

TITLE: Ordinance approving a 10 year tax exemption for a market rate mixed use rental project to be constructed by Aqua Urban Renewal Company, LLC, an urban renewal entity, pursuant to the Long Term Tax Exemption Law N.J.S.A. 40A:20-1 et seq.

4. G. SEP 1 1 2007



RECORD OF COUNCIL VOTE ON INTRODUCTION											
JUL 1 8 2007 6-1											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	ABSENT			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	ABSENT			FLOOD	✓		
LIPSKI	✓			RICHARDSON		✓		VEGA, PRES.	✓		

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

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING											
AUG 0 8 2007 6-0											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
<b>LIPSKI/BRENNAN</b>											
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	ABSENT			FULOP	ABSENT			FLOOD	ABSENT		
LIPSKI	✓			RICHARDSON	✓			VEGA, PRES.	✓		

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

DELLA WOMACK    JONATHAN ROSADO    ED PRICE  
 MICHELE CANSOPRE    SHEILA JEFFRIES    VIVIAN GAYNOR    TYRONE PETERS  
 DANIEL DELMEIDA    LORRAINA PINERA    CARMEN ROSARIO    VIVIAN RIVERA

RECORD OF COUNCIL VOTE ON AMENDMENTS, IF ANY											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO				GAUGHAN				BRENNAN			
SPINELLO				FULOP				FLOOD			
LIPSKI				RICHARDSON				VEGA, PRES.			

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

RECORD OF FINAL COUNCIL VOTE											
SEP 1 1 2007 5-1											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
SOTTOLANO	✓			GAUGHAN	✓			BRENNAN	✓		
SPINELLO	✓			FULOP	ABSENT			FLOOD	✓		
LIPSKI	ABSENT			RICHARDSON		✓		VEGA, PRES.	ABSENT		

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

Adopted on first reading of the Council of Jersey City, N.J. on JUL 1 8 2007

Adopted on second and final reading after hearing on SEP 1 1 2007

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on SEP 1 1 2007

Robert Byrne, City Clerk

APPROVED:   
 For Mariano Vega, Jr., Council President

Date: SEP 1 1 2007

APPROVED:   
 Jenramiah Healy, Mayor

Date: SEP 1 9 2007

Date to Mayor: SEP 1 2 2007

\*Amendment(s):