

City Clerk File No. Ord. 17-023

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 17-023

TITLE: AN ORDINANCE OF THE CITY OF JERSEY CITY IN THE COUNTY OF HUDSON, STATE OF NEW JERSEY, AUTHORIZING THE TRANSFER OF CERTAIN CITY-OWNED REAL PROPERTY, IDENTIFIED ON THE TAX MAP OF THE CITY OF JERSEY CITY AS BLOCK 21504, LOT 6, TO THE JERSEY CITY REDEVELOPMENT AGENCY (65 PHILLIP STREET)

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

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the "**Redevelopment Law**") authorizes a municipality to determine whether certain property within the municipality constitutes an "area in need of redevelopment"; and

WHEREAS, in accordance with the Redevelopment Law, the municipal council (the "**City Council**") of the City of Jersey City (the "**City**") designated the Liberty Harbor Redevelopment Area (the "**Redevelopment Area**"), which Redevelopment Area consists of, among several parcels, certain property identified as Block 21504, Lot 6, on the tax map of the City, otherwise commonly known as 65 Phillip Street in the City (the "**Property**"); and

WHEREAS, the Property is currently owned by the City and lies within the legally established boundaries of the Redevelopment Area; and

WHEREAS, it has been determined that the Property is not needed for any municipal public purpose or use; and

WHEREAS, the City Council adopted, at its meeting in March 1973, the Liberty Harbor Redevelopment Plan; and

WHEREAS, the Jersey City Redevelopment Agency (the "**Agency**") has the responsibility of acquiring property within the Redevelopment Area to effectuate the redevelopment and revitalization of the Redevelopment Area; and

WHEREAS, the Agency has deemed it necessary to acquire the Property from the City to accomplish the objectives of the Liberty Harbor Redevelopment Plan; and

WHEREAS, the City may transfer the Property to the Agency pursuant to N.J.S.A. 40A:12A-39(a) and (f); and

WHEREAS, the Agency intends to further transfer the Property to the designated redeveloper in connection with the proposed Scitech Scity Redevelopment Project (the "**Project**") to be undertaken by a non-profit affiliate of the Liberty Science Center (the "**Redeveloper**") pursuant to a Redevelopment Agreement to be entered by and between the Agency and the Redeveloper; and

WHEREAS, the Agency, as an express condition of transfer to the Redeveloper, shall include a restrictive covenant in the deed to the Property (the "**Deed**") requiring that the fee simple interest in the Property shall remain with a non-profit entity in perpetuity; and

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WHEREAS, the Agency shall also include a clause in the Deed which shall provide that title to the Property shall revert back to the Agency in the event the Project is not completed in accordance with the terms of the Redevelopment Agreement between the Agency and the redeveloper; and

WHEREAS, when and if the annual Surplus accumulates over time to an amount that exceeds the Philanthropic Funds donated and/or contributed to develop the Project then any additional Surplus shall be shared annually between the City of Jersey City and the Buyer, with fifty percent (50%) of such Surplus allocated and distributed on an annual basis to the City of Jersey City (the "City") and fifty percent (50%) of such Surplus allocated and distributed on an annual basis to the Buyer, until the City receives an accumulated total equal to the Appraised Value of the Property as of the date of the Closing. The "Appraisal Value" shall be an amount determined by an independent licensed appraiser selected by the Parties within ninety (90) days from date of Closing; and

WHEREAS, when and if the accumulated Surplus over time exceeds 1) the Philanthropic Funds donated and/or contributed and 2) the City receives accumulated payments equal to the Appraised Value, then any additional Surplus thereafter shall be shared annually between the City and the Buyer, with twenty percent (20%) of such Surplus allocated and distributed on an annual basis to the City and eighty percent (80%) of such Surplus allocated and distributed on an annual basis to the Buyer; and

WHEREAS, the Agency shall further obligate the Redeveloper to share future revenues with the City and/or Agency as consideration for the initial sale of such Property for nominal consideration.

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF JERSEY CITY, as follows:

Section 1. The foregoing recitals are incorporated herein as though fully set forth at length. The City Clerk shall have this Ordinance codified and incorporated in the official copies of the Jersey City Code.

Section 2. Pursuant to N.J.S.A. 40A:12A-39(a) and (f), the transfer of Property known as Block 21504, Lot 6 on the tax map of the City of Jersey City to the Jersey City Redevelopment Agency, for ONE DOLLAR (\$1.00), is hereby authorized for the purpose of implementing the Liberty Harbor Redevelopment Plan, provided that the Deed to the Property includes the terms described in the above recitals, included but not limited to the following:

- a) when and if the annual Surplus accumulates over time to an amount that exceeds the Philanthropic Funds donated and/or contributed to develop the Project then any additional Surplus shall be shared annually between the City of Jersey City and the Buyer, with fifty percent (50%) of such Surplus allocated and distributed on an annual basis to the City of Jersey City (the "City") and fifty percent (50%) of such Surplus allocated and distributed on an annual basis to the Buyer, until the City receives an accumulated total equal to the Appraised Value of the Property as of the date of the Closing. The "Appraisal Value" shall be an amount determined by an independent licensed appraiser selected by the Parties within ninety (90) days from date of Closing; and
- b) when and if the accumulated Surplus over time exceeds 1) the Philanthropic Funds donated and/or contributed and 2) the City receives accumulated payments equal to the Appraised Value, then any additional Surplus thereafter shall be shared annually between the City and the Buyer, with twenty percent (20%) of such Surplus allocated and distributed on an annual basis to the City and eighty percent (80%) of such Surplus allocated and distributed on an annual basis to the Buyer.

AN ORDINANCE OF THE CITY OF JERSEY CITY IN THE COUNTY OF HUDSON, STATE OF NEW JERSEY, AUTHORIZING THE TRANSFER OF CERTAIN CITY-OWNED REAL PROPERTY, IDENTIFIED ON THE TAX MAP OF THE CITY OF JERSEY CITY AS BLOCK 21504, LOT 6, TO THE JERSEY CITY REDEVELOPMENT AGENCY

Section 3. The Mayor, Business Administrator, and/or other necessary City officials and representatives are authorized to carry out all actions reasonably necessary to execute the Deed and all necessary or appropriate instruments to convey and effectuate the transfer of the aforesaid Property to the Agency.

Section 4. If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

- A. All Ordinances and part of Ordinances inconsistent herewith are hereby repealed.
- B. 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 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.
- C. A copy of this Ordinance shall be available for public inspection at the offices of the City Clerk.
- D. This Ordinance shall take effect as required by law.

BD
2/16/17
3/09/17

APPROVED AS TO LEGAL FORM

APPROVED: _____

Corporation Counsel

APPROVED: _____
Business Administrator

Certification Required ☐

Not Required ☐
616709

Ordinance FACT SHEET – NON-CONTRACTUAL

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

Full Title of Ordinance

AN ORDINANCE OF THE CITY OF JERSEY CITY IN THE COUNTY OF HUDSON, STATE OF NEW JERSEY, AUTHORIZING THE TRANSFER OF CERTAIN CITY-OWNED REAL PROPERTY, IDENTIFIED ON THE TAX MAP OF THE CITY OF JERSEY CITY AS BLOCK 21504, LOT 6, TO THE JERSEY CITY REDEVELOPMENT AGENCY

Initiator

Department/Division	Jersey City Redevelopment Agency	
Name/Title	David Donnelly, Executive Director	
Phone/email	201-761-0819, ddonnelly@jcnj.org	

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

Ordinance Purpose

Mayor Fulop and the executive director of the Liberty Science Center, Paul Hoffman, have forged a vision to create a transformative project near the Liberty Science Center. This project will consist of a K-12 school, a scientific business innovation center and a scholars' village. The City will transfer title to the Jersey City Redevelopment Agency (JCRA). The JCRA will then transfer the property to the designated developer for the SciTech Scity Redevelopment Project. The designated developer is a non-profit affiliate arm of the Liberty Science Center.

The JCRA has entered into a redevelopment agreement that includes certain restrictive covenants. Most importantly these restrictions include that title must be held by a non-profit in perpetuity, a reverter clause should the project not be completed in a timely manner in accordance with the redeveloper agreement and the entity must share future revenues with the City for the initial sale of the property for nominal consideration.

I certify that all the facts presented herein are accurate.



Signature of Department Director

2/13/2017

Date

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



ORDINANCE NO. Ord. 17-023
TITLE: 3.A MAR 8 2017 4.A

MAR 2 2 2017

An Ordinance of the City of Jersey City in the County of Hudson, State of New Jersey, authorizing the transfer of certain City-Owned Real Property, identified on the Tax Map of the City of Jersey City as Block 21504, Lot 6, to the Jersey City Redevelopment Agency (65 Phillip Street).

RECORD OF COUNCIL VOTE ON INTRODUCTION MAR 0 8 2017 7-2											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN		✓		RIVERA	✓		
GADSDEN	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO		✓		ROBINSON	✓			LAVARRO, PRES.	✓		

RECORD OF COUNCIL VOTE TO CLOSE PUBLIC HEARING MAR 2 2 2017 9-0											
Councilperson OSBORNE moved, seconded by Councilperson WATTERMANN to close P.H.											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN	✓			RIVERA	✓		
GADSDEN	✓			OSBORNE	✓			WATTERMANN	✓		
BOGGIANO	✓			ROBINSON	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

SPEAKERS:

LAVERN WASHINGTON
HENRY GAGE
GILBERT MOORE
LORENZO RICHARDSON
MONICA K. ANDREWS
BRUCE ALSTON
IOANNIS KOROSIDIS
DANIEL SEKTON
SAM PESIN
RAFAEL TORRES
MANUKUMAR PATEL
ERNEST SMITH

JOSEPHINE PAIGE
SONITA BLANEY
CAMILLE CHAMBERS
KAREE SKARSTEN
SUKI MHANG
MILDRENNY RIVERA
KATHY ZUCAR
JOE BROWN
NICOLAS HORNYAK
ALEXANDRO MELENDEZ
DEEPIH DHINGRA
ICWAKA BARBER

MARY MILLS
MORGAN SPAN
ESTHER WINTNER
LINDA MORAN
ANDREA CONNELLY
BILL MATSIKODIS
RONALD GRECO
MARIA SCARIATTI
DANIEL SICARDI
CARMEN CHEN
TIM MOORE
MARY McDONALD
KABILI TAYARI

MIA SCANGA
GERALD MCCANN
JUNE JONES
JOHN FROHLING
MATT SCHAPIRO
JOAN TERRELL
ELLEN SIMON
JULIE MOSTAFA
YVONNE BALGER
BILL HOFFMAN
KULOWSKI

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			
GADSDEN				OSBORNE				WATTERMANN			
BOGGIANO				ROBINSON				LAVARRO, PRES.			

RECORD OF FINAL COUNCIL VOTE MAR 2 2 2017 6-3											
COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.	COUNCILPERSON	AYE	NAY	N.V.
GAJEWSKI	✓			YUN		✓		RIVERA	✓		
GADSDEN		✓		OSBORNE	✓			WATTERMANN	✓		
BOGGIANO		✓		ROBINSON	✓			LAVARRO, PRES.	✓		

✓ Indicates Vote

N.V.--Not Voting (Abstain)

Adopted on first reading of the Council of Jersey City, N.J. on MAR 0 8 2017
Adopted on second and final reading after hearing on MAR 2 2 2017

This is to certify that the foregoing Ordinance was adopted by the Municipal Council at its meeting on MAR 2 2 2017

Robert Byrne, City Clerk

APPROVED:
Rolando R. Lavarro, Jr., Council President
Date MAR 2 2 2017

*Amendment(s):

APPROVED:
Steven M. Fulop, Mayor
Date MAR 23 2017

Date to Mayor MAR 23 2017