

No. 6.F.B. (AS) 1st Reading DEC 19 2018

Ordinance

JAN 10 2019

No. Public Hearing

No. 6.P.S.F.-G JAN 09 2019 2nd Rdg. and Final Passage

City of Newark, N.J.

Date to Mayor

Date Returned JAN 11 2019

Date Resubmitted to Council

Date Advertised 1st Reading DEC 24 2018

No. Reconsidered

Approved as to Form and Legality on Basis of Facts Set Forth

Final Reading

Factual contents certified to by

Corporation Counsel

Title

Council member C. S. S. S. presents the following Ordinance:

AN ORDINANCE GRANTING A TWENTY- FIVE (25) YEAR TAX ABATEMENT TO DUKE REALTY URBAN RENEWAL, LLC, 429 DELANCY STREET, NEWARK, NEW JERSEY 07105, FOR A PROJECT TO CONSTRUCT A NEW, STATE OF THE ART APPROXIMATELY 661,539 SQUARE FOOT INDUSTRIAL WAREHOUSE BUILDING (INCLUDING APPROXIMATELY 20,000 SQUARE FEET OF OFFICE SPACE) LOCATED AT 429 DELANCY STREET, NEWARK, NEW JERSEY AND IDENTIFIED ON THE CITY'S TAX MAP AS BLOCK 5042, LOT 15.01. (EAST WARD)

WHEREAS, Duke Realty Urban Renewal, LLC, 429 Delancy Street, Newark, New Jersey 07105, filed an application with the Mayor seeking a long term tax abatement under the Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq., for a twenty five (25) year term for a project to construct a new, state of the art approximately 661,539 square foot industrial warehouse building (including approximately 20,000 square feet of office space) located at 429 Delancy Street, Newark, New Jersey and identified on the City's tax map as Block 5042, Lot 15.01 (the "Project"); and

WHEREAS, the Mayor has submitted the application and proposed Financial Agreement to the Municipal Council with his recommendation thereof, a copy of which is annexed hereto; and

WHEREAS, in accordance with Ordinance 6PSF-a adopted May 4, 2011, Duke Realty Urban Renewal, LLC, has filed with the City a sworn statement that it has not made any contribution in violation of said ordinance; and

WHEREAS, the Department of Economic and Housing Development has determined pursuant to N.J.S.A. 40A:20-11 that the relative benefits of this Project outweigh any costs associated with this tax exemption and that without the tax abatement granted herein, the Project would not be undertaken.

NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:

1. The application of Duke Realty Urban Renewal, LLC, 429 Delancy Street, Newark, New Jersey 07105, (the "Entity"), for the development, maintenance and operation of the Project described in the application is hereby approved in accordance with the recommendation of the Mayor for a project to construct a new, state of the art approximately 661,539 square foot industrial warehouse building (including approximately 20,000 square feet of office space) located at 429 Delancy Street, Newark, New Jersey and identified on the City's tax map as Block 5042, Lot 15.01 (the "Project").
2. The abatement from taxation on improvements is hereby granted to the Entity for a period of twenty-five (25) years pursuant to N.J.S.A. 40A:20-12, and only so long as the Entity is subject to and complies with the proposed Financial Agreement and the Long Term Tax Exemption Law, as amended and supplemented.
3. The Mayor of the City of Newark and/or his designee, the Director of the Department of Economic and Housing Development, are hereby authorized and

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3 directed to enter into and execute, on the City's behalf, the Financial Agreement
4 in the form attached hereto.
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6 4. The Director of the Department of Economic and Housing Development shall file
7 an executed copy of the Financial Agreement authorized by this Ordinance in the
8 Office of the City Clerk.
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10 5. The Project, when completed, will conform with all laws of the State of New
11 Jersey and ordinances of the City of Newark relating to its construction and use.
12
13 6. The Affirmative Action Program now on file in the Office of the City Clerk is
14 declared to be a material condition of the Financial Agreement authorized by this
15 ordinance.
16
17 7. The Entity shall in the operation of the Project comply with all laws so that no
18 person shall be subject to any discrimination because of race, religious
19 principles, color, national origin, or ancestry.
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21 8. The Entity shall file an employment report (herein described below) with the
22 Office of Affirmative Action who shall forthwith after receiving the report send a
23 copy thereof to the City Clerk and the Office of Affirmative Action shall forthwith
24 investigate the matters contained therein and report its findings to the Municipal
25 Council.
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27 9. The annual service charge shall be based on ten to fifteen percent (10% - 15%)
28 of Annual Gross Revenues generated from the Project as further set forth in the
29 Financial Agreement.
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31 10. The Entity shall pay the minimum annual service charge, as calculated pursuant
32 to N.J.S.A. 40A:20-12(b)(2)(e) and the Financial Agreement, in each year in
33 which the annual service charge, as provided in paragraph 9 above, would be
34 less than the minimum annual service charge.
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36 11. The following occurrences and requirements are express conditions of the
37 granting of this tax abatement, to be performed by the Entity and the failure to
38 comply with these requirements will result in the cancellation of the tax
39 abatement:
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41 (a) The Entity shall not, without prior consent of the Municipal Council of the
42 City of Newark, sell, lease, assign, encumber, subordinate, convey,
43 mortgage or transfer all, or any part of the Project, so as to sever,
44 disconnect or divide the improvements from the land embraced within the
45 Project;
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47 (b) The Entity, pursuant to the Revised City Ordinance 10:24-1 et seq., as
48 amended, shall be deemed to agree that it will in good faith assist the City
49 of Newark in its goal of having 50% of all new jobs arising out of the
50 businesses conducted on the Project site after the issuance of the
51 Certificate of Occupancy and during the continuation of the tax exemption,
52 dedicated to Newark residents, of which 25% of such all new employees
53 shall be minority residents;
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55 (c) The Entity shall concomitantly, with the submission of the annual report
56 required of it by N.J.S.A. 40A:20-9(d), attach an employment report under
57 oath, with particulars, stating the manner and the extent to which it has
58 complied with 11(b) above. This employment report shall be filed with the
59 Director of Finance, the City Clerk, and the Director of the Department of
60 Economic and Housing Development;
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62 (d) The Entity shall pay all outstanding taxes and all outstanding water and
63 sewer charges within thirty (30) days of the adoption of this ordinance;
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- (e) The Entity shall submit to the City a copy of its formation documents, as approved by the Department of Community Affairs and filed with the Secretary of State;
- (f) The Entity shall receive a favorable review and certification from the appropriate City departments and agencies, pursuant to City Ordinance 6S&Fd, adopted October 21, 1992, as amended.
12. That in any year that the Entity shall fail to make four (4) consecutive land tax payments when due and owing in the manner defined in N.J.S.A. 40A:20-12(b)(2)(e), such delinquency shall render the Entity ineligible for any land tax credits against the annual service charge.
13. The Entity understands and agrees that the revenue projections set forth in the application are estimates and that the actual payments in lieu of taxes to be paid by the Entity to the City shall be determined pursuant to the Financial Agreement to be executed between the Entity and the City of Newark.
14. To the extent of any inconsistency with any prior City ordinance and/or Municipal Code provision governing the granting of long-term tax exemptions, including, inter alia, procedures for application, review and approval, required terms of the financial agreement, required conditions and covenants, limits on duration, means of enforcement, and all other matters whatsoever, such prior City ordinances and/or Municipal Code provisions are hereby waived, but only with respect to this ordinance.
15. Within ten (10) calendar days following the later of the effective date of this Ordinance or the execution of the Financial Agreement by the Entity, the City Clerk's Office shall transmit a certified copy of the Ordinance and Financial Agreement to the Chief Financial Officer of the county and to the County Counsel for informational purposes.
16. This Ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey.

STATEMENT

This Ordinance grants a long term tax abatement to Duke Realty Urban Renewal, LLC, 429 Delancy Street, Newark, New Jersey 07105, for a twenty-five (25) year term for a project to construct a new, state of the art approximately 661,539 square foot industrial warehouse building (including approximately 20,000 square feet of office space) located at 429 Delancy Street, Newark, New Jersey and identified on the City's tax map as Block 5042, Lot 15.01. (East Ward)

CERTIFIED TO BY ME THIS

JAN 14 2019

DO NOT USE SPACE BELOW THIS LINE

RECORD OF COUNCIL VOTE ON FINAL PASSAGE										RECORD OF COUNCIL VOTE FOR RECONSIDERATION									
Council Member	AYE	NAY	NV	AB	Council Member	AYE	NAY	NV	AB	Council Member	AYE	NAY	NV	AB	Council Member	AYE	NAY	NV	AB
Amador <i>M</i>	✓				Osborne				✓	Amador					Osborne				
Gonzalez <i>S</i>	✓				Quintana <i>Vice President</i>	✓				Gonzalez					Quintana <i>Vice President</i>				
James	✓				Ramos, Jr.	✓				James					Ramos, Jr.				
McCallum, Jr.	✓				Crump <i>President</i>	✓				McCallum, Jr.					Crump <i>President</i>				
McIver	✓									McIver									

✓ - Indicates Vote

AB - Absent

NV - Not Voting

DEC 19 2018

Adopted on first reading at a meeting of the Council of the City of Newark, N.J., on

Adopted on second and final reading after hearing on JAN 09 2019

Approved

Rejected By

Mayor

Council President

City Clerk

This Ordinance when adopted must remain in the custody of the City Clerk. Certified copies are available.