



Legislation Details (With Text)

**File #:** 21-1440      **Version:** 1      **Name:** Ordinance: 5 Year Tax Exemption and Tax Abatement for 105 Fabyan Place (Block 3091, Lot 15)

**Type:** Ordinance      **Status:** Adopted

**File created:** 9/29/2021      **In control:** Finance

**On agenda:** 11/15/2021      **Final action:** 12/15/2021

**Title:** AN ORDINANCE GRANTING A FIVE (5) YEAR TAX ABATEMENT/EXEMPTION, FOR A PROJECT CONSISTING OF A TWO-FAMILY NEW CONSTRUCTION, ON REAL PROPERTY KNOWN AS 105 FABYAN PLACE, MORE SPECIFICALLY IDENTIFIED ON THE OFFICIAL TAX MAP OF THE CITY OF NEWARK, AS BLOCK 3091, LOT 15. (SOUTH WARD)

**Sponsors:**

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
12/15/2021	1	Municipal Council	Close on Public Hearing and Adopt	Pass
12/1/2021	1	Municipal Council	Adopt on First Reading	Pass
11/15/2021	1	Municipal Council	Advance to First Reading	Pass

**AN ORDINANCE GRANTING A FIVE (5) YEAR TAX ABATEMENT/EXEMPTION, FOR A PROJECT CONSISTING OF A TWO-FAMILY NEW CONSTRUCTION, ON REAL PROPERTY KNOWN AS 105 FABYAN PLACE, MORE SPECIFICALLY IDENTIFIED ON THE OFFICIAL TAX MAP OF THE CITY OF NEWARK, AS BLOCK 3091, LOT 15. (SOUTH WARD)**

**WHEREAS,** Ricardo C. Stewart, the Owner, filed a timely application (the “Abatement/Exemption Application”, a copy of which is attached hereto) with the City of Newark (the “City”) requesting a five (5) year tax abatement/exemption under the Five-Year Exemption and Abatement Law, N.J.S.A. 40A:21-1 et seq. (the “Act”), on the property located at 105 Fabyan Place, also known as Block 3091, Lot 15 on the Official Tax Map for the City of Newark; and

**WHEREAS,** it has been determined to be in the best interest of the City to approve the tax abatement/exemption and authorize the execution of Financial Agreement in the form attached hereto.

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

1. The abatement/exemption from taxation on improvements is hereby granted to Ricardo C. Stewart, the Owner, for a period of five (5) years pursuant to the Act, so long as Ricardo C. Stewart complies with the Act and the terms of the proposed Financial Agreement.

2. The Mayor of the City of Newark is hereby authorized and directed to enter into and execute, on behalf of the City, the Financial Agreement in the form attached hereto.

3. The Director of the Department of Finance shall file an executed copy of the Financial Agreement authorized by this Ordinance with the City Clerk.

4. The Project will conform with all laws of the State of New Jersey and ordinances of the City relating to its construction and use.

5. The Affirmative Action Program now on file in the Office of the City Clerk is declared to be a material condition of the Financial Agreement authorized by this Ordinance.

6. Ricardo C. Stewart, the Owner, shall in the operation of the Project, comply with all laws so that no person shall be subject to any discrimination because of race, religious principles, color, national origin or ancestry.

7. The abatement/exemption from taxation shall not extend beyond five (5) years and shall only be in effect so long as the Ricardo C. Stewart, the Owner, remains subject to and complies with the Act and the terms of the Tax Agreement.

8. The annual service charge shall be based on the Tax Phase-In provision of N.J.S.A. 40A:21-10.

9. To the extent of any inconsistency with any prior City ordinance and/or Municipal Code provision governing the granting of a tax abatement/exemption pursuant to the Act, 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.

10. The Office of the City Clerk shall forthwith submit a certified copy of the Ordinance approving the five (5) year tax abatement/exemption and the fully executed Financial Agreement to the Director of the Division of Local Government Services.

11. 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 five (5) year tax abatement/exemption to Ricardo C. Stewart, the Owner, under the Five-Year Exemption and Abatement Law, N.J.S.A. 40A:21-1 et seq., for a project consisting of a two-family new construction on real property known as 105 Fabyan Place, Newark, New Jersey 07112 and identified on the Official Tax Map of the City of Newark, as Block 3091, Lot 15.