

**AN ORDINANCE TO APPROVE A LONG-TERM TAX EXEMPTION
AND FINANCIAL AGREEMENT BETWEEN THE CITY OF NEW BRUNSWICK
AND NBA – NEW BRUNSWICK, LLC**

BE IT ORDAINED by the New Brunswick City Council as follows:

SECTION I

City Council finds and determines as follows:

(A) NBA-NEW BRUNSWICK, LLC (the "Entity") proposes to purchase and rehabilitate an apartment housing complex consisting of 206 units pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (N.J.S.A. 55:14K-1 et. seq.), the rules promulgated thereunder at N.J.A.C. 5:80-1 et. seq., and all applicable guidelines (the foregoing hereinafter referred to as the "HMFA Requirements") within the City of New Brunswick known as Lot 1.01 Block 107.01 as shown on the Official Map of the City of New Brunswick, County of Middlesex and commonly known as 33 Paul Robeson Boulevard (the "Project");

(B) The Project will be subject to the HMFA Requirements and the mortgage and other loan documents executed between the Entity and the New Jersey Housing and Mortgage Finance Agency (hereinafter referred to as "The Agency");

(C) The Project will be subject to the HMFA Requirements and the mortgage and other loan documents executed between the Entity and the Agency;

(D) Pursuant to the HMFA Requirements, the Governing Body of the City of New Brunswick hereby determines that there is a need for the rehabilitation of this apartment complex in the City of New Brunswick

(E) The Entity shall be authorized to do business under the Laws of New Jersey pursuant to the provisions of N.J.S.A. 55:14K-1 et. seq. for the purchase and rehabilitation of this Project;

(F) The Entity has presented to the Municipal Council a revenue projection for the Project which sets forth the anticipate revenue to be received by the Entity from the operation of the rehabilitated Project as estimated by the Entity and the Agency;

SECTION II

APPROVAL OF EXEMPTION FROM TAXATION

(A) The City Council finds and determines that the proposed Project will meet or meets an existing housing need of the City of New Brunswick

(B) The Council does hereby adopt the within Ordinance and makes the determination and findings herein contained by virtue of, pursuant to, and in the conformity with the provisions of the HMFA Requirements with the intent and purpose that the Agency shall rely thereon in making a mortgage loan to the Entity which shall rehabilitate, own, and operate the Project and;

(C) The Council does hereby adopt the within Ordinance with the further intent and purpose that from the date of the execution of the Agency mortgage, the proposed Project, including both the land and improvements thereon, will be exempt from real property taxation as provided in the HMFA Requirements, provided that payments in lieu of taxes for municipal services supplied to the Project are made to the municipality in such amounts and manner as set forth in the Agreement for Payments In Lieu of Taxes (the "PILOT Agreement");

(D) The Council hereby authorizes and directs the Mayor of the City of New Brunswick to execute, on behalf of the municipality, the PILOT Agreement, the form of PILOT Agreement to be first approved by the City Attorney;

(E) The Council understands and agrees that the revenue projections set forth in Exhibit A of the PILOT Agreement are estimates and that the actual payments in lieu of taxes to be paid by the Entity to the City of New Brunswick shall be determined pursuant to the PILOT Agreement executed between the Entity and the City of New Brunswick.

I, Leslie R. Zeludon, City Clerk of the City of New Brunswick, NJ, do hereby certify the foregoing Ordinance is a true copy of the Original Ordinance adopted on second and final reading at a regular meeting of the New Brunswick City Council at its meeting on: August 19, 2020
Leslie R. Zeludon
Leslie R. Zeludon, City Clerk
Any reproduction of the Original Ordinance must contain the raised seal of the City of New Brunswick to be legally certified

COUNCIL MEMBER	Y	N	ME	NV	Y	N	NV	AB
LEAH ESCOBAR	X				X			
LEAH ESCOBAR	X				X			
LEAH ESCOBAR	X				X			
LEAH ESCOBAR	X				X			

COUNCIL MEMBER	Y	N	ME	NV	Y	N	NV	AB
LEAH ESCOBAR	X				X			
LEAH ESCOBAR	X				X			
LEAH ESCOBAR	X				X			
LEAH ESCOBAR	X				X			

FIRST READING VOTE ON AUGUST 5, 2020
Y= YES N= NO ME= MOVED S= SECOND NV= NO VOTE AB= ABSENT

SECTION III

ENTITY OBLIGATIONS

- (a) The Project shall conform with all applicable Federal and State laws and ordinances and regulations of the City relating to its rehabilitation and use.
- (b) The Entity shall, in the operation of the Project, require compliance with all applicable laws so that no person because of race, religious principles, color, national origin or ancestry, will be subject to discrimination.
- (c) The Entity shall, from the time that the PILOT Agreement becomes effective, pay an annual service charge as set forth in the PILOT Agreement.

SECTION IV

SEVERABILITY:

If any section, part of any section, or clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this Ordinance, and each section and subsection thereof, irrespective of the fact that anyone or more of the subsections, sentences, clauses or phrases may be declared unconstitutional or invalid.

SECTION V

ACTION REGARDING FINANCIAL AGREEMENT

The Mayor is hereby authorized and directed to determine all matters and terms in connection with the PILOT Agreement, all in consultation with the counsel to the City of New Brunswick, and the manual or facsimile signature of the Mayor upon any documents shall be conclusive as to all such determinations. The Mayor, the Chief Financial Officer, the City Clerk and any other City official, officer or professional, including but not limited to, redevelopment counsel, bond counsel, the financial advisor and the auditor to the City of New Brunswick, are each hereby authorized and directed to execute and deliver such documents as are necessary to facilitate the transactions contemplated hereby, and to take such actions or refrain from such actions as are necessary to facilitate the transactions contemplated hereby, in consultation with, as applicable, redevelopment counsel, bond counsel, the financial advisor and the auditor to the City of New Brunswick, and any and all actions taken heretofore with respect to the transactions contemplated hereby are hereby ratified and confirmed.

SECTION VI

REPEALER:

All ordinances inconsistent with the provisions of this Ordinance are repealed to the extent of such inconsistency.

SECTION VI

EFFECTIVE DATE:

This Ordinance shall become effective twenty (20) days following final adoption and publication as required by law.

ADOPTED ON FIRST READING
DATED: August 5, 2020

ADOPTED ON SECOND READING
DATED: August 19, 2020

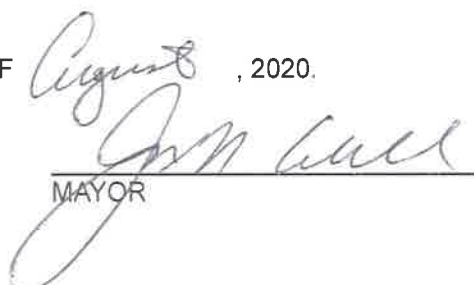

COUNCIL PRESIDENT


COUNCIL PRESIDENT

ATTEST:


CITY CLERK

APPROVAL OF THE MAYOR ON THIS 20th DAY OF August, 2020.


MAYOR

APPROVALS:


CITY ADMINISTRATOR


CITY ATTORNEY


DIRECTOR OF PLANNING, COMMUNITY
AND ECONOMIC DEVELOPMENT

TKS/kc