

#64

7RBE 03/15/78

Resolution of the City of Newark, N. J.

No. 7R.be

Date of Adoption MAR 15 1978

TITLE

RESOLUTION GIVING CONSENT TO PILGRIM BAPTIST HOUSING ASSOCIATION 2, LIMITED, FOR THE ASSIGNMENT, TRANSFER AND CONVEYANCE BY IT OF ITS HOUSING PROJECT AT 143-169 AVON AVENUE, MORE PARTICULARLY DESCRIBED IN APPLICATION, TO "PILGRIM BAPTIST VILLAGE, INC." AND THE BENEFITS AND BURDENS OF SAID TAX ABATEMENT AGREEMENT SHALL ACCRUE TO THE LATTER.

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

Formal contents certified to by

[Signature]
Corporate Counsel

[Signature]
City Clerk

Presented by *[Signature]* Presents the following Resolution:

WHEREAS, The Municipal Council of the City of Newark previously adopted a Resolution 7Rk dated December 3, 1976 authorizing the Mayor the City of Newark to execute a tax abatement agreement for a housing development project with Pilgrim Baptist Housing Association 2, Limited, a Limited Partnership; and

WHEREAS, said Limited Partnership desires the approval of the New Jersey Housing Finance Agency, as well as the City of Newark for the transfer of its interest in the said housing project to Pilgrim Baptist Village, Inc. (hereinafter also Assignee), a non-profit housing corporation, qualified to operate under "The Limited-Dividend non-profit Housing Corporations or Associations Law", (N.J.S.A. 45:16-1 et seq.) and to continue for the Assignee the aforesaid tax abatement agreement; and

WHEREAS, Pilgrim Baptist Housing Association 2, Limited is also known as Pilgrim Baptist Housing Association II, Limited,

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

1. That consent is hereby given to the aforesaid Pilgrim Baptist Housing Association 2, Limited, for the assignment, transfer and conveyance by it of its Housing Project at 143-169 Avon Avenue, Newark, New Jersey to the aforementioned "Pilgrim Baptist Village, Inc.", and the benefits and burdens of said tax abatement agreement shall accrue to the latter corporation upon the following conditions:

A. That all the provisions of the aforesaid tax abatement agreement be assumed by said Pilgrim Baptist Village, Inc.

B. That such assignment, transfer and conveyance shall be evidenced by an agreement in writing, approved by the Corporation Council of the City of Newark whereupon all benefits and performances thereunder shall be transferred to and imposed upon "Pilgrim Baptist Village, Inc.", provided that the New Jersey Housing Finance Agency shall give its approval in writing to said transfer, assignment and conveyance and a true copy of such written approval shall be filed both with the City Clerk and the Corporation Council of the City of Newark, within sixty (60) days of its issuance, along with executed copies of all papers submitted to the New Jersey Housing Finance Agency to obtain its approval.

93 21 55 9- 3-11 1978
CITY CLERK



143-171 Avon Avenue
 City of Newark, Essex County, New Jersey

C. That there be no further assignment, transfer or conveyance of said project without prior consent in writing of the City of Newark and the New Jersey Housing Finance Agency.

D. That the City of Newark be named as an insured party as its interest may appear under all casualty insurance policies of "Pilgrim Baptist Village, Inc." for this project.

E. That the assignee shall in the operation of its said project comply with U.S.A. 55:16-B.1 so that no person shall because of race, religious principles, color, national origin, or ancestry be subject to any discrimination.

2. That the Mayor of the City of Newark is hereby authorized to execute and the City Clerk is authorized to attest any such written agreement approved by the Corporation Council of the City of Newark to accomplish the purposes of this Resolution.

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RECORD OF COUNCIL VOTE ON FINAL PASSAGE											
COUNCILMAN	A	Y	N	A	B	COUNCILMAN	A	Y	N	A	B
ALLEN		✓				GIULIANO		✓			
BOTTONE		✓				JAMES		✓			
CARRINO		✓				MARTINEZ		✓			
						TUCKER	S	✓			
						VILLANI		✓			
						HARRIS, Pres.		✓			

✓ -- Indicates Vote A.B. -- Absent N.V. -- Not Voting

CERTIFIED TO BY ME THIS
 16TH DAY OF MARCH, 1978 MAR '15 1978

Adopted at a meeting of the Municipal Council of the City of Newark, N. J.

Paul Harris *Frank D. Accurso*
 President of the Council City Clerk

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



7RBEO31578

AGREEMENT OF ASSIGNMENT

THIS AGREEMENT, made as of the ^{31st} day of ^{April}, 1978, by and between PILGRIM BAPTIST HOUSING ASSOCIATION II, LIMITED, a Limited-Dividend Housing Association, of the State of New Jersey, organized and qualified under the "Limited-Dividend Nonprofit Housing Corporations or Associations Law," N.J.S.A. 55:16-1, et seq., having its principal office at c/o Ben J. Slavitt, 17 Academy Street, Newark, New Jersey (hereinafter the "Assignor"), and PILGRIM BAPTIST VILLAGE, INC., a Nonprofit Housing Corporation of the State of New Jersey, organized and qualified under the "Limited-Dividend Nonprofit Housing Corporations or Associations Law," N.J.S.A. 55:16-1, et seq., having its principal office at c/o Shanley & Fisher, 550 Broad Street, Newark, New Jersey (hereinafter the "Assignee").

WITNESSETH:

WHEREAS, the Assignor has previously received approval of the Municipal Council of the City of Newark, by Resolution 7RK dated December 3, 1976, authorizing the Mayor of the City of Newark to execute a Tax Abatement Agreement for the housing project designated "Pilgrim Baptist Village II, N.J.H.F.A. Project No. 618," located at 143-169 Avon Avenue in Newark, New Jersey, as more particularly described



in Exhibit A annexed hereto (hereinafter the "Project");
and

WHEREAS, the Assignor has received approval of the Municipal Council of the City of Newark, by Resolution 7RBE dated March 15, 1978, for the transfer of its interest in the Project to the Assignee, and to continue for the Assignee the aforesaid Tax Abatement Agreement.

NOW, THEREFORE, in consideration of the mutual promises contained herein, and for other good and valuable consideration, the Parties hereto agree as follows:

1. The Assignor hereby assigns to the Assignee all of its right, title and interest in the Project and the aforesaid Tax Abatement Agreement, and the Assignee hereby accepts all of the benefits and burdens of the said Project and Tax Abatement Agreement, and covenants to assume and perform all of the provisions of the said Tax Abatement Agreement.

2. The Assignee shall not assign, transfer or convey the Project without the prior written consent of the City of Newark and the New Jersey Housing Finance Agency.

3. The City of Newark shall be named as an insured party, as its interest may appear, under all casualty insurance policies of the Assignee pertaining to the Project.

4. The Assignee, in the operation of the Project, shall comply with Section 55:16-8.1 of the "Limited-Dividend Nonprofit Housing Corporations or Associations Law," so that no person shall be discriminated against because of race, religious principals, color, national origin or ancestry.

5. This Agreement constitutes the entire agreement between the Parties hereto, and shall be interpreted in accordance with the laws of the State of New Jersey.

6. This Agreement is subject to the written approval of the New Jersey Housing Finance Agency, and the Mayor and Corporation Counsel of the City of Newark.

IN WITNESS WHEREOF, the Parties hereto have set their hands and seals as of the date first written above.

PILGRIM BAPTIST HOUSING
ASSOCIATION II, LIMITED

ATTEST:

By: Pilgrim Baptist Church,
General Partner

By Mabel Darden
Mabel Darden, Secretary

By Arthur H. Townes
Arthur H. Townes, Chairman

PILGRIM BAPTIST VILLAGE, INC.

By Barbara J. Weaver
Barbara J. Weaver, Secretary

By Avant Lowther
Avant Lowther, President

By Frank D'Accensio
F. D'Accensio, City Clerk
4/28/78

CITY OF NEWARK

By [Signature]
Kenneth A. Gibson, Mayor

Approved:

NEW JERSEY HOUSING FINANCE
AGENCY

By [Signature]
Kathleen Okenica, Counsel

APPROVED AS TO FORM AND
LEGALITY:

By [Signature]
Salvatore Pezzillo, Corpora-
tion Counsel of the City
of Newark

EXHIBIT "A"

Beginning at a point formed by the intersection of the northerly line of Avon Avenue and the westerly line of Jeliff Avenue; thence

(1) Along the westerly line of Jeliff Avenue north 17 degrees 45 minutes east 461.85 feet to a point; thence

(2) North 72 degrees 15 minutes west 470.50 feet to a point; thence

(3) South 17 degrees 45 minutes west 478.42 feet to a point, in the northerly line of Avon Avenue; thence

(4) South 74 degrees 16 minutes east 470.79 feet to the point and place of beginning.

The above described parcel contains 221,198.06 square feet or 5.078 acres.

The foregoing description is in accordance with a site survey prepared by Borrie, McDonald & Watson, Surveyors, dated September 26, 1974 continued to March 9, 1978.

Being Disposal Parcel No. 36, Urban Renewal Project N.J.R. 12, Newark, New Jersey, designated as Lot 49, in Block 2575, on the Tax Map of Newark, New Jersey.

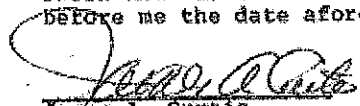
143-171 Avon Avenue
City of Newark, Essex County, New Jersey

STATE OF NEW JERSEY }
COUNTY OF ESSEX } SS:

BE IT REMEMBERED, that on this 3rd day of April, 1978, before me, the subscriber, an Attorney at Law of the State of New Jersey, personally appeared MABEL DARDEN who, being by me duly sworn on her oath, deposes and makes proof to my satisfaction, that she is the Secretary of Pilgrim Baptist Church, the Corporation named in the within Instrument; that Arthur H. Townes is the Chairman of said Corporation; that the Corporation is a General Partner in PILGRIM BAPTIST HOUSING ASSOCIATION II, LIMITED, the Limited Partnership named in the within Instrument; that the execution, as well as the making of this Instrument, has been duly authorized by a proper resolution of the Board of Trustees of the said Corporation; that deponent well knows the corporate seal of said Corporation; and that the seal affixed to said Instrument is the proper corporate seal and was thereto affixed and said Instrument signed and delivered by said Chairman as and for the voluntary act and deed of said Corporation, as General Partner in the said Limited Partnership, and as and for the voluntary act and deed of said Limited Partnership, in the presence of deponent, who thereupon subscribed her name thereto as attesting witness.


Mabel Darden

Sworn and Subscribed to
before me the date aforesaid.


James A. Curtis,
An Attorney at Law
of the State of New Jersey

STATE OF NEW JERSEY }
COUNTY OF ESSEX } SS:

BE IT REMEMBERED, that on this 28th day of April, 1978, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared Frank D'Ascensio who, being by me duly sworn on his oath, deposes and makes proof to my satisfaction, that he is the City Clerk of the CITY OF NEWARK, the Municipality named in the within Instrument; that Kenneth A. Gibson is the Mayor of said Municipality; that the execution, as well as the making of this Instrument, has been duly authorized by a proper resolution of the Municipal Council of the said Municipality; that deponent well knows the municipal seal of said Municipality; and that the seal affixed to said Instrument is the proper municipal seal and was thereto affixed and said Instrument signed and delivered by said Mayor as and for the voluntary act and deed of said Municipality, in the presence of deponent, who thereupon subscribed his name thereto as attesting witness.

Frank D'Ascensio
/ Frank D'Ascensio

Sworn and Subscribed to
before me the date aforesaid.

Valentini W. Contreras

VALENTINI W. CONTRERAS
A NOTARY PUBLIC OF NEW JERSEY
My Commission Expires Dec. 21, 1981

Prepared by: William C. Scheurer, Esq.



7RK 12.076
3.1

FORM 700
NEW JERSEY

Resolution of the City of Newark, N. J.

No. 7RK Date of Adoption DEC. 5 1976

*11/15/76
2-1*

TITLE RESOLUTION APPROVING APPLICATION AND PLAN OF PILGRIM BAPTIST HOUSING ASSOCIATION II, LIMITED DIVIDEND, NONPROFIT HOUSING ASSOCIATION OF NEW JERSEY, FOR CONSTRUCTION OF 46 HIGH-RISE APARTMENT BUILDINGS, PROVIDING 157 INTELLEKTU UNITS FOR LOW AND MODERATE INCOME TENANTS FRONTING ON 143-169 AVON AVENUE, MORE PARTICULARLY DESCRIBED IN SAID APPLICATION, GRANTING EXEMPTION FROM TAXATION FOR PERIOD OF NOT MORE THAN 50 YEARS IN COMPLIANCE WITH AND SUBJECT TO THE PROVISIONS AND CONDITIONS OF R.S. 58:16-1, ET SEQ., BUT IN NO EVENT FOR A PERIOD LONGER THAN THE TERM OF THE NEW JERSEY FINANCE AGENCY (N.J.F.A.), HERETOBE TO BE GIVEN TO SAID HOUSING ASSOCIATION TO FINANCE SAID PROJECT AND APPROVAL BY NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS.

Approved as to Form and Legality on Behalf of Mayor Set Forth

[Signature]
Mayor

Formal contents verified to be

[Signature]
City Clerk

Councilman *[Signature]* Presents the following Resolution:

WHEREAS, pursuant to N.J.S.A. 55:16-1 et seq. Pilgrim Baptist Housing Association II, Limited (hereinafter Housing Association) whose Limited partnership agreement or Certificate of Organization was filed in the Essex County Registrar's Office with the certification dated August 13, 1975, of the Public Housing and Development Authority in the New Jersey Department of Community Affairs qualifying it as a Housing Association under the "Limited-Dividend Nonprofit Housing Corporation, or Associations Law" N.J.S.A. 55:16-1 et seq.

WHEREAS, said Housing Association has submitted to the Mayor an Application with a proposed Agreement for construction of a Project, requiring tax abatement in the City of Newark on premises fronting on 143-169 Avon Avenue, more particularly described in said application as a parcel of land bounded by Jelliff Avenue and Avon Avenue, and

WHEREAS, the Mayor has submitted such application and agreement to the Municipal Council a copy of each said instrument, being annexed hereto and made part hereof, and

WHEREAS, the Municipal Council has determined that said project meets an existing need as is more particularly provided by the "Limited-Dividend Nonprofit Housing Corporation or Associations Law" (55:16-1, etc.) and conforms to the requirements of all applicable ordinances of the City of Newark and has further determined that the project will be an improvement made for the purposes of clearance, replanning, development, or redevelopment of a blighted area within the City as is provided in R.S. 55:16-18 of said Act.

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

- 1. That the application and plan of Pilgrim Baptist Housing Association II, Limited, a Limited-Dividend Nonprofit Housing Association of New Jersey for construction of the project herein described be and is hereby approved.

CITY CLERK'S OFFICE
NEWARK, N.J.
DEC 10 9 31 AM '76

143-171 Avon Avenue
 City of Newark, Essex County, New Jersey

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2. That the aforesaid project and improvement shall be exempt, as provided in paragraph 3 below, from all property taxation by the City of Newark, provided that in lieu of such taxes the Housing Association owning said project shall make to the City of Newark payment of an annual service charge for Municipal Services supplied to said project, in such amount not exceeding the tax on the property on which the project is located for the year in which the undertaking of said project is commenced or at least 15% of the annual gross shelter rents obtained from the project, whichever is the greater, as provided by N.J.S.A. 55:16-18, and as approved by the New Jersey Department of Community Affairs.

3. That said exemption shall take effect for the period of 50 years in compliance with and subject to the provisions and conditions of N.S. 55:16-1, et seq., but in no event for a period longer than the life of the New Jersey Housing Finance Agency (N.J.H.F.A.) Mortgage to be given to said Housing Association to finance said project.

4. That the Mayor of the City of Newark is hereby authorized to execute, on the latter's behalf, the aforesaid agreement.

5. That the Affirmative Action Program, annexed hereto and made a part hereof, is declared to be a material condition of the Agreement authorized by this Resolution.

6. That an executed agreement authorized by this Resolution shall be filed with the City Clerk, by the Department of Law.

NO EXERCISE FROM THIS

RECORD OF COUNCIL VOTE ON FINAL PASSAGE											
COUNCILMAN AVERETT, A.B.				COUNCILMAN GONZALEZ, A.B.				COUNCILMAN TUCKER, S.			
ALLEN	M	J		GOLIANO	J		TUCKER	S	J		
BOTTONE		J		JAMES	J		WILLIAMS		J		
CARRIMO			J	MARTINEZ			HARRIS, Pres.				
J - Indicates Vote						A.B. - Absent		S.V. - Not Voting			

CERTIFIED TO BY ME THIS
 6TH DAY OF DECEMBER, 1976

DEC 3 1976

Adopted at a meeting of the Municipal Council of the City of Newark, N.J.

Earl Harris
 President of the Council

Frank DiGiuseppe
 City Clerk

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