



8/20/2009

UNION COUNTY BOARD OF CHOSEN FREEHOLDERS

ORDINANCE NO: 691-2009
DATE OF INTRO: 8/20/2009
DATE OF ADOPTION:

BOND ORDINANCE OF THE COUNTY OF UNION, STATE OF NEW JERSEY, TO AUTHORIZE THE ACQUISITION OF A SPECIAL USE EASEMENT OR OTHER PROPERTY INTEREST IN A PARKING GARAGE TO BE CONSTRUCTED IN THE CITY OF ELIZABETH AS THE ELIZABETHTOWN PLAZA REDEVELOPMENT PROJECT AND THE FUNDING OF A LOAN TO BE MADE TO A REDEVELOPER OF SUCH PROJECT, TO APPROPRIATE THE SUM OF \$14,700,000 TO PAY THE COST THEREOF, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

BE IT ORDAINED by the Board of Chosen Freeholders of the County of Union, State of New Jersey, as follows:

Section 1 The County of Union (the "County"), State of New Jersey is hereby authorized to (A) acquire a special use easement or other property interest in a parking garage to be constructed in the City of Elizabeth (the "City") on property owned by the Parking Authority of the City (Block 6, Lot 94 on the Tax Assessment Map of the City) as the Elizabethtown Plaza Redevelopment Project and (B) pursuant to N.J.S.A. 40A:12A-41 and/or N.J.S.A. 40A:12A-8(f), provide funds to make a loan to EDC-PA Parking Lender, LLC, or other designated co-redeveloper of the Project.

NO SUFFICIENCY OF FUNDS REQUIRED

Handwritten signature and date: 8-19-09

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Table with columns: INTRODUCTION, RECORD OF VOTE, FINAL ADOPTION. Rows list Freeholders: ESTRADA, HOLMES, KOWALSKI, PROCTOR, SCANLON, VAN BLAKE, WARD, SULLIVAN VICE-CHAIRMAN, MIRABELLA CHAIRMAN.

APPROVED AS TO FORM
COUNTY ATTORNEY

I hereby certify the above is an original ordinance adopted by the Board of Chosen Freeholders of the County of Union on the aforementioned date.
Nicoletti Rado CLERK

I hereby certify this is a true copy of a ordinance adopted by the Board of Chosen Freeholders of the County of Union on the aforementioned date.
CLERK

Section 2. The sum of \$14,700,000 is hereby appropriated to the payment of the cost of making the improvements described in Section 1 hereof (hereinafter referred to as "purpose"). Said appropriation shall be met from the proceeds of the sale of the bonds authorized by this ordinance. No down payment is required pursuant to the provisions of N.J.S.A. 40A:12A-37(c). Said improvements shall be made as general improvements and no part of the cost thereof shall be assessed against property specially benefitted.

Section 3. It is hereby determined and stated that (1) said purpose is not a current expense of said County, and (2) it is necessary to finance said purpose by the issuance of obligations of said County pursuant to the Local Bond Law (Chapter 2 of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Bond Law") and the Local Redevelopment and Housing Law (Chapter 12A of Title 40A of the New Jersey Statutes Annotated, as amended; the "Local Redevelopment and Housing Law"), and (3) the total estimated cost of said purpose is \$14,700,000, and (4) the estimated maximum amount of bonds or notes necessary to be issued for said purpose is \$14,700,000, and (5) the cost of such purpose, as hereinbefore stated, includes the aggregate amount of \$200,000 which is estimated to be necessary to finance the cost of such purpose, including architect's fees, accounting, engineering and inspection costs, legal expenses and other expenses, including interest on such obligations to the extent permitted by Section 20 of the Local Bond Law.

Section 4. To finance said purpose, bonds of said County of an aggregate principal amount not exceeding \$14,700,000 are hereby authorized to be issued pursuant to the Local Bond Law and the Local Redevelopment and Housing Law. Said bonds shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law. All matters with respect to said bonds not determined by this ordinance shall be determined by resolutions to be hereafter adopted.

Section 5. To finance said purpose, bond anticipation notes of said County of an aggregate principal amount not exceeding \$14,700,000 are hereby authorized to be issued pursuant to the Local Bond Law and the Local Redevelopment and Housing Law in anticipation of the issuance of said bonds. In the event that bonds are issued pursuant to this ordinance, the aggregate amount of notes hereby authorized to be issued shall be reduced by an amount equal to the principal amount of the bonds so issued. If the aggregate amount of outstanding bonds and notes issued pursuant to this ordinance shall at any time exceed the sum first mentioned in this

section, the moneys raised by the issuance of said bonds shall, to not less than the amount of such excess, be applied to the payment of such notes then outstanding.

Section 6. Each bond anticipation note issued pursuant to this ordinance shall be dated on or about the date of its issuance and shall be payable not more than one year from its date, shall bear interest at a rate per annum as may be hereafter determined within the limitations prescribed by law and may be renewed from time to time pursuant to and within limitations prescribed by the Local Bond Law. Each of said bond anticipation notes shall be signed by the Chairman of the Board of Chosen Freeholders, by the County Manager and by the Director of Finance/County Treasurer and shall be under the seal of said County and attested by the Clerk or Deputy Clerk of the Board of Chosen Freeholders. Said officers are hereby authorized to execute said notes in such form as they may adopt in conformity with law. The power to determine any matters with respect to said notes not determined by this ordinance and also the power to sell said notes, is hereby delegated to the Director of Finance/County Treasurer who is hereby authorized to sell said notes either at one time or from time to time in the manner provided by law.

Section 7. It is hereby determined and declared that the period of usefulness of said purpose, according to its reasonable life, is a period of thirty years computed from the date of said bonds.

Section 8. It is hereby determined and stated that the Supplemental Debt Statement required by the Local Bond Law has been duly made and filed in the office of the Clerk of the Board of Chosen Freeholders of said County, and that such statement so filed shows that the gross debt of said County, as defined in Section 43 of the Local Bond Law, is increased by this ordinance by \$14,700,000 and that the issuance of the bonds and notes authorized by this ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 9. Any funds received from the State of New Jersey or any of its agencies or any funds received from the United States of America or any of its agencies in aid of such purpose shall be applied to the payment of the cost of such purpose, or, if bond anticipation notes have been issued, to the payment of the bond anticipation notes, and the amount of bonds authorized for such purpose shall be reduced accordingly.

Section 10. The capital budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith and the resolutions promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director, Division of Local Government Services, is on file with the Clerk of the Board of Chosen Freeholders and is available for public inspection.

Section 11. The County intends to issue the bonds or notes to finance the cost of the purpose described in Section 1 of this bond ordinance. If the County incurs such costs prior to the issuance of the bonds or notes, the County expects to reimburse itself for such expenditures with the proceeds of such bonds or notes in the maximum principal amount of bonds or notes authorized by this bond ordinance.

Section 12. The full faith and credit of the County are hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this ordinance. Said obligations shall be direct, unlimited and general obligations of the County, and the County shall levy ad valorem taxes upon all the taxable real property within the County for the payment of the principal of and interest on such bonds and notes, without limitation as to rate or amount.

Section 13. This ordinance shall take effect twenty days after the first publication thereof after final passage.

NOTICE OF PENDING BOND ORDINANCE AND SUMMARY

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the Board of Chosen Freeholders of the County of Union, State of New Jersey, on August 20, 2009. It will be further considered for final passage, after public hearing thereon, at a meeting of said Board of Chosen Freeholders to be held at the County Administration Building, Elizabethtown Plaza, Elizabeth, New Jersey, on September 9, 2009 at 7:00 P.M. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the Clerk of the Board of Chosen Freeholders' office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE OF THE COUNTY OF UNION, STATE OF NEW JERSEY, TO AUTHORIZE THE ACQUISITION OF A SPECIAL USE EASEMENT OR OTHER PROPERTY INTEREST IN A PARKING GARAGE TO BE CONSTRUCTED IN THE CITY OF ELIZABETH AS THE ELIZABETHTOWN PLAZA REDEVELOPMENT PROJECT AND THE FUNDING OF A LOAN TO BE MADE TO A REDEVELOPER OF SUCH PROJECT, TO APPROPRIATE THE SUM OF \$14,700,000 TO PAY THE COST THEREOF, TO AUTHORIZE THE ISSUANCE OF BONDS TO FINANCE SUCH APPROPRIATION AND TO PROVIDE FOR THE ISSUANCE OF BOND ANTICIPATION NOTES IN ANTICIPATION OF THE ISSUANCE OF SUCH BONDS.

Purpose(s): (A) Acquisition of a special use easement or other property interest in a parking garage to be constructed in the City of Elizabeth (the "City") on property owned by the Parking Authority of the City (Block 6, Lot 94 on the Tax Assessment Map of the City) as the Elizabethtown Plaza Redevelopment Project and (B) pursuant to N.J.S.A. 40A:12A-41 and/or N.J.S.A. 40A:12A-8(f), providing funds to make a loan to EDC-PA Parking Lender, LLC, or other designated co-redeveloper of the Project.

Appropriation: \$14,700,000

Bonds/Notes Authorized: \$14,700,000

Grants (if any) Appropriated: -0-

Section 20 Costs: \$200,000

Useful Life: 30 years

This Notice is published pursuant to N.J.S.A. 40A:2-17.

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Clerk of the Board of  
Chosen Freeholders  
County of Union  
State of New Jersey

BOND ORDINANCE STATEMENT AND SUMMARY

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the Board of Chosen Freeholders of the County of Union, State of New Jersey on September 9, 2009 and the 20-day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full ordinance are available at no cost and during regular business hours, at the Clerk of the Board of Chosen Freeholders' office for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

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