

City of Providence

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CHAPTER 1999-5

No. 52

AN ORDINANCE ESTABLISHING A TAX STABILIZATION PLAN FOR MENDEZ REAL ESTATE ON BEHALF OF PENA PROVIDENCE CORPORATION FOR 863 BROAD STREET

Approved February 1, 1999

Be it ordained by the City of Providence:

PREAMBLE

WHEREAS, the City Council, pursuant to Section 43-3-3.1 and Section 44-3-9 of the General Laws of the State of Rhode Island, as amended, has the authority to exempt property used for industrial or commercial purposes from the payment of property tax if the granting of the exemption meets certain conditions set forth in said Sections of the General Laws of the State of Rhode Island; and

WHEREAS, Mendez Real Estate on behalf of Pena Providence Corporation has made application under, and has satisfied each condition of the above mentioned sections of the Rhode Island General Laws; and

WHEREAS, Mendez Real Estate on behalf of Pena Providence Corporation is a commercial concern who intends to relocate its facility to the City of Providence and agrees, as a condition of the hereinafter referenced "tax treaty," to increase its workforce in the City of Providence, by virtue of such relocation to 863 Broad Street, in Providence, Rhode Island 02907, on Assessor's Plat 52, Lot 11 and ("Project"); and

WHEREAS, the Project will cause an increase in the tax base of the City and will increase employment opportunities in the City; and

WHEREAS, it is in the interest of the residents of the City of Providence to grant such an exemption to induce the development and construction of the Project in the City, and such exemption will inure to the benefit of the City;

Be it Ordained by the City of Providence:

SECTION 1. That the findings set forth in the preceding Preamble Clauses are hereby made and confirmed.

No.

CHAPTER

AN ORDINANCE

DEPT. OF PUBLIC WORKS
PROVIDENCE, R.I.

Dec 28 2 14 PM '98

FILED

THE COMMITTEE ON
FINANCE
Approves Passage of
The Within Ordinance

Claire E. Bestwick
Dec 28, 1998 Clerk

IN CITY COUNCIL
NOV. 5 1998
FIRST READING
REFERRED TO COMMITTEE ON
FINANCE

CLERK

THE COMMITTEE ON

Finance
Recommends Belonged

Claire E. Bestwick
Nov 23, 1998 Clerk
Dec 17, 1998 - Public Hearing
Dec 21, 1998

THE COMMITTEE ON

Finance
Discussion Recommends Public Hearing Scheduled
Claire E. Bestwick
Nov 30, 1998 Clerk
Dec 17, 1998

Councilwoman Nolan

SECTION 2. As long as Mendez Real Estate on behalf of Pena Providence Corporation owns or operates the facility, it will continue to pay taxes on the facility. Mendez Real Estate on behalf of Pena Providence Corporation, its successors and assigns, agrees that this property will be subject to full taxation at the expiration of the tax treaty. Mendez Real Estate on behalf of Pena Providence Corporation also agrees not to transfer the property to a tax-exempt entity or to allow any transfer by any subsequent transferee to a tax-exempt entity during the term of the tax treaty. Mendez Real Estate on behalf of Pena Providence Corporation is also required as a condition precedent to this tax treaty to record notice of the requirement that the property covered by this Ordinance be transferred only to a tax paying entity during the term of the tax treaty in the Land Evidence Records of the City of Providence. Notwithstanding this provision, in the event that the successor to the property does not make the payments under the tax treaty, Mendez Real Estate on behalf of Pena Providence Corporation will be responsible to make payments in lieu of taxes to the City of Providence in the amounts set forth in the attached schedule during the term of the tax treaty. In the event that the property covered by this Ordinance is transferred to a tax-exempt entity, whether by Mendez Real Estate on behalf of Pena Providence Corporation or any subsequent transferee to such property, Mendez Real Estate on behalf of Pena Providence Corporation will be responsible to make payments in lieu of taxes to the City of Providence during the term of the tax treaty equal to the amount of taxes which would have been paid to the City of Providence if such prohibition against transfer to a tax-exempt entity had not been violated. Notwithstanding anything to the contrary herein or in the tax treaty used in connection herewith, the provisions of this Section 2 shall continue to be given full force and effect until such time as the same shall be amended or terminated by majority vote of the City Council of Providence.

SECTION 3. It shall be the goal of Mendez Real Estate on behalf of Pena Providence Corporation to award to Minority Business Enterprises as defined in Rhode Island General Laws, Section 37-14.1 ("MBE Act") no less than 10% of the dollar value of the construction costs for the Project (as determined in accordance with the rules and regulations promulgated pursuant to the MBE act). It shall be Mendez Real Estate on behalf of Pena Providence Corporation's further goal to award to women business enterprises (WBE) no less than 10% of the dollar value of the construction costs for the project (as determined in accordance with Section

21-52 of the Code of Ordinances of the City of Providence). It shall be a further Page 3
goal of Mendez Real Estate on behalf of Pena Providence Corporation to achieve a minimum level of 10% for minority and 10% for female employment.

SECTION 4. Mendez Real Estate on behalf of Pena Providence Corporation shall employ a minimum of thirty five (35) employees at the facility located at 863 Broad Street in Providence upon occupancy of said facility. In accordance with this section, Mendez Real Estate on behalf of Pena Providence Corporation shall give preferential consideration to qualified applicants who reside in the City of Providence with regard to all hiring decisions during the term of this tax treaty. Failure to generate the required additional new jobs within twenty-four (24) months of the date of occupancy, shall render the treaty null and void, unless so waived by the City Council. The treaty being rendered null and void shall require the owner of the property to pay all taxes and fees as due and owing as if no treaty had been entered.

SECTION 5. The schedules listed below are based upon information provided to the Tax Assessor by Mendez Real Estate on behalf of Pena Providence Corporation including, but not limited, to estimated construction costs. In the event any of this information is inaccurate or proves to be erroneous, this treaty shall be modified to reflect the accurate information.

SECTION 6. That the real property taxes payable to the City by the Project during the term of this Ordinance shall be based upon the real property tax rates in effect for the City's 1998 fiscal year. This treaty is conditioned upon Mendez Real Estate on behalf of Pena Providence Corporation owing no back taxes to the City of Providence or remaining current on a payment plan approved by the Tax Collector. Failure to make said timely payments may render this treaty null and void at the sole discretion of the City of Providence. The treaty being rendered null and void would require the owner to pay all taxes and fees as due and owing as if no treaty had been approved.

SECTION 7. That the City in accordance with Section 44-3-3.1 and Section 44-3-9 of the Rhode Island General Laws hereby grants an exemption from taxation of real property to Mendez Real Estate on behalf of Pena Providence Corporation for the real property located at 863 Broad Street, Providence, Rhode Island, Assessor's Plat 52, Lot 11, and the personal property located at said location which is used exclusively for and in connection with the operations of Mendez Real Estate on behalf of Pena Providence Corporation at said location, in

accordance with the schedules listed in Exhibit A, attached hereto and made a part hereof.

SECTION 8. This Ordinance shall take effect upon its passage.

IN CITY COUNCIL
JAN. 7 1999
FIRST READING
READ AND PASSED
Richard L. Clement CLERK

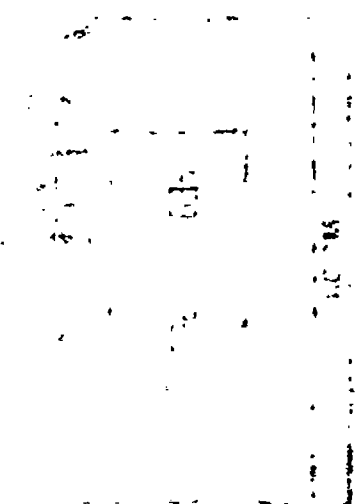
IN CITY
COUNCIL
JAN 21 1999
FINAL READING
READ AND PASSED
Salvatore J. Gonyea ACTING PRESIDENT
Richard L. Clement CLERK

APPROVED
FEB 1 1999
Vincent A. Leinaf
MAYOR

AN ORDINANCE ESTABLISHING A
TAX STABILIZATION PLAN FOR
MENDEZ REAL ESTATE ON BEHALF OF
PENA PROVIDENCE CORPORATION FOR
863 BROAD STREET

ENCLOSURE

ENCLOSURE
ENCLOSURE
ENCLOSURE



RECEIVED BY CITY ASSESSOR
PROVIDENCE RHODE ISLAND

7/24/98

DATE

APPLICATION FEE FORWARDED TO
COLLECTOR

\$300.00

AMOUNT

REVIEWED BY ASSESSOR WITH THE
FOLLOWING RECOMMENDATIONS

SIGNATURE/DATE/ASSESSOR

RECEIVED BY CITY COLLECTOR

APPLICANT OWES FOLLOWING TAXES 96, 97 & 98 YEAR 32,996.01 AMOUNT

1996

7,144.05

1997

12,975.98

1998

12,875.98

TAXES ARE PAID IN FULL

ARRANGEMENTS HAVE BEEN MADE

X

YES

NO

SIGNATURE/DATE/COLLECTOR

RECEIVED BY BUILDING INSPECTOR
DATE

8-3-98

PLANS AS REVIEWED MEET ALL CUR-
RENT CODES/STATUTES OF CITY

✓

YES

NO

NO VIOLATIONS EXIST ON THIS OR
OTHER PROPERTIES OWNED BY
APPLICANT

YES

NO

* VIOLATIONS EXIST AS FOLLOWS

VIOLATIONS HAVE BEEN DIS-
CUSSED WITH APPLICANT(S)
ARRANGEMENTS HAVE BEEN
MADE TO CORRECT SAME

YES

NO

SIGNATURE/DATE/BUILDING INSPECTOR

Ranzi J. Jsga

* Permit has been issued to renovate 1st Floor into a supermarket, however the new mezzanine needs a zoning variance from the zoning board of review.

CITY OF PROVIDENCE, RHODE ISLAND
APPLICATION REQUESTING
TAX STABILIZATION FOR COMMERCIAL / INDUSTRIAL PROPERTIES
ACCORDING TO
CHAPTER 21 OF THE CODE ORDINANCES AS AMENDED

PAY OF NON-REFUNDABLE APPLICATION FEE
MUST ACCOMPANY APPLICATION ACCORDING TO
THE FOLLOWING SCHEDULE :
\$150.00 FOR PERMIT UP TO - \$250,000 (COM/IND)
\$225.00 FOR PERMIT FROM \$251,000 - \$750,000
\$300.00 FOR PERMIT OVER - \$751,000
\$200.00 FOR COMPUTER/TELEPHONE
.001% OF EST. CONSTRUCTION COSTS (RESIDENTIAL)

DATE _____

- | | |
|--|--|
| 1. NAME & ADDRESS OF APPLICANT
(IF CORPORATION/PARTNERSHIP,
GIVE NAME & TITLE OF CEO FILING
APPLICATION). | <u>PENA PROVIDENCE CORP.</u>
<u>PAULINO PENA, PRESIDENT</u>
<u>361 WHITNEY AVENUE</u>
<u>TRUMBULL, CT. 06611</u> |
| 2. IF APPLICANT IS LESSEE, GIVE
NAME AND ADDRESS OF OWNER
AND SPECIFIC TERMS OF LEASE | <u>MENDEZ REAL ESTATE</u>
<u>490 CRANSTON STREET</u>
<u>PROVIDENCE, RI 02907</u>

<u>10 YEAR LEASE WITH OPTION TO</u>
<u>PURCHASE THE PROPERTY AT END</u>
<u>OF LEASED PERIOD.</u> |
| 3. LOCATION OF PROPERTY | <u>863 BROAD ST., PROVIDENCE, RI</u> |
| 4. ASSESSOR'S PLAT AND LOT | <u>PLAT-52 LOT-11</u> |
| 5. DATE & PURCHASE PRICE OF
EXISTING PROPERTY | <u>OCTOBER 28 1985</u>
<u>\$ 275,000.00</u> |
| 6. COST & PROJECTED DATE OF
ADDITIONAL PROPERTY TO BE
PURCHASED FOR THIS
EXPANSION PROJECT | <u>N/A</u> |

7. ESTIMATED COST OF EXPANSION/ RENOVATION. (ATTACH EVIDENCE SUPPORTING SUCH FIGURE: COP OF BIDS, CONSTRUCTION CONTRACT, ARCHITECT'S CERTIFICATION). GIVE DETAILS AS TO SCOPE OF PROJECT TO BE UNDERTAKEN--# OF STORIES TYPE OF CONSTRUCTION, TOTAL SQ. FT. ETC.) \$971,000.00
COMPLETE AND TOTAL RENOVATION
ONE (1) STORY (NO CHANGE)
CARPENTRY, PLUMBING, ELECTRICAL, HVAC,
CONCRETE, PAINTING, PARKING, FENCE,
SECURITY, TELEPHONE SYSTEM. 12,000 SQ. FT.

8. DESCRIBE EXISTING FACILITY:

OF STORIES

OF SQ. FT./ FLOOR

AGE OF BUILDING(S)

TYPE OF CONSTRUCTION

INTERIOR CONDITION

EXTERIOR CONDITION

ONE (1)
12,000
35 ±
MASONRY WALL AND PROTECTED WOOD JOISTS
FAIR
FAIR

9. APPLICATION IS MADE UNDER THE PROVISION OF THE ORDINANCE FOR THE FOLLOWING REASON(S) (CHECK ONE OR MORE)

- ☒ a. locate in City of Providence
☐ b. replace section of premises
☐ c. expand building
☒ d. remodel facility
☐ e. construct new building (s)
☐ f. computer/telephone
☐ g. other

10. WILL PROPOSED CONSTRUCTION/ ALTERATION INCREASE THE EMPLOYMENT AT YOUR COMPANY

YES ☒ NO ☐

IF YES, GIVE ESTIMATE AS TO NEW POSITIONS TO BE CREATED AND JUSTIFICATION FOR SAME

35 POSITIONS TO INSURE THAT THE
FACILITY WILL OPERATE EFFICIENTLY
AND PROPERLY

11. WILL THE PROPOSED ALTERATION/ CONSTRUCTION CAUSE ANY OTHER FACILITY TO CLOSE?

YES ☐ NO ☒

12. WILL CONSTRUCTION/ALTERATION REQUIRE PURCHASE OF ADDITIONAL FURNITURE/FIXTURES/EQUIPMENT? IF YES, GIVE DETAILS AS TO NUMBER AND TYPE TO BE PURCHASED

YES ☐ NO ☐
REFRIGERATION UNITS FOR MEAT
DEPT., PRODUCE, DELICATESSEN,
WALK-IN COOLERS, CONDOLAS,
SHELVING, COUNTERS.

13. CONSTRUCTION SHALL BEGIN
ANTICIPATED THAT CONSTRUCTION SHALL BE COMPLETED

JULY 1 1998

4 MONTHS

14. ARE ALTERATIONS/CONSTRUCTION
PLANS PERMITTED UNDER THE
PRESENT ZONING;

YES

☒

NO

IF NO, PLEASE ADVISE AS TO
WHETHER APPLICATION HAS BEEN
OR WILL BE FILED WITH ZONING
BOARD OF REVIEW.

HAS HEARING BEEN SCHEDULED?

N/A

IT IS THE UNDERSTANDING OF THE APPLICANT(S) THAT THE EXEMPTION, IF APPROVED, IS APPLICABLE ONLY TO COMMERCIAL/ INDUSTRIAL CONCERNS WHO WISH TO LOCATE IN THE CITY, OR WHO WISH TO REPLACE, RECONSTRUCT, EXPAND OR REMODEL CURRENT FACILITIES; THAT MEET THE APPROVAL OF THE BUILDING INSPECTOR; THAT ALL CURRENT AND PAST TAXES DUE BY THE APPLICANT(S) MUST BE PAID IN FULL; THAT THE EXEMPTION WOULD BE ATTRIBUTABLE ONLY TO THAT PORTION OF THE ASSESSMENT ATTRIBUTABLE TO THIS CONSTRUCTION / RENOVATION; THAT THE EXEMPTION MAY BE REVOKED IN THE EVENT OF FRAUD OR MISREPRESENTATION BY THE APPLICANT(S).

Notary Public
My Commission Expires
July 15, 2001

WITNESS

REINOLD LEOX

DATE

7/14/98


SIGNATURE OF APPLICANT

361 Whitmer Ave Bumbler
ADDRESS

DATE

7/14/98

	A	B	C	D	E	F	G	H	I
1	Year #	% Abated	Date	Taxes Pd.	Assessment Abated	Taxes Abated	Level Pmts	Tangible	Total
2									
3	1	90%	12/31/98	\$ 1,679	\$ 472,500	\$ 15,115	\$ 9,237	\$ 12,669	\$ 21,906
4	2	80%	12/31/99	\$ 3,359	\$ 420,000	\$ 13,436	\$ 9,237	\$ 12,669	\$ 21,906
5	3	70%	12/31/00	\$ 5,038	\$ 367,500	\$ 11,756	\$ 9,237	\$ 12,669	\$ 21,906
6	4	60%	12/31/01	\$ 6,718	\$ 315,000	\$ 10,077	\$ 9,237	\$ 12,669	\$ 21,906
7	5	50%	12/31/02	\$ 8,397	\$ 262,500	\$ 8,397	\$ 9,237	\$ 12,669	\$ 21,906
8	6	40%	12/31/03	\$ 10,077	\$ 210,000	\$ 6,718	\$ 9,237	\$ 12,669	\$ 21,906
9	7	30%	12/31/04	\$ 11,756	\$ 157,500	\$ 5,038	\$ 9,237	\$ 12,669	\$ 21,906
10	8	20%	12/31/05	\$ 13,436	\$ 105,000	\$ 3,359	\$ 9,237	\$ 12,669	\$ 21,906
11	9	10%	12/31/06	\$ 15,115	\$ 52,500	\$ 1,679	\$ 9,237	\$ 12,669	\$ 21,906
12	10	0%	12/31/07	\$ 16,795	\$ -	\$ -	\$ 9,237	\$ 12,669	\$ 21,906
13									
14									
15	Totals			\$ 92,371	\$ 2,362,500	\$ 75,576	\$ 92,370	\$ 126,690	\$ 219,060
16									
17	Total Assess	\$ 525,000							

TS Mendez Broad St..xls

	A	B	C	D	E	F	G
1	Year #	% Abated	Date	Taxes Pd.	Assessment Abated	Taxes Abated	Level Pmts
2							
3	1	90%	12/31/98	\$ 2,303	\$ 270,000	\$ 20,731	\$ 12,669
4	2	80%	12/31/99	\$ 4,607	\$ 240,000	\$ 18,427	\$ 12,669
5	3	70%	12/31/00	\$ 6,910	\$ 210,000	\$ 16,124	\$ 12,669
6	4	60%	12/31/01	\$ 9,214	\$ 180,000	\$ 13,820	\$ 12,669
7	5	50%	12/31/02	\$ 11,517	\$ 150,000	\$ 11,517	\$ 12,669
8	6	40%	12/31/03	\$ 13,820	\$ 120,000	\$ 9,214	\$ 12,669
9	7	30%	12/31/04	\$ 16,124	\$ 90,000	\$ 6,910	\$ 12,669
10	8	20%	12/31/05	\$ 18,427	\$ 60,000	\$ 4,607	\$ 12,669
11	9	10%	12/31/06	\$ 20,731	\$ 30,000	\$ 2,303	\$ 12,669
12	10	0%	12/31/07	\$ 23,034	\$ -	\$ -	\$ 12,669
13							
14							
15	Totals			\$ 126,687	\$ 1,350,000	\$ 103,653	\$ 126,690
16							
17	Total Assessment	\$ 300,000					

City of Providence, Rhode Island
Payment Agreement

52/11

Mendeny Real Estate Inc

13560997

Name and Address of Taxpayers

Account No.

863 Broad St. Prov. R.I.

I, the undersigned taxpayer, am unable at this time to pay the City of Providence taxes, interest and other costs I owe in the amount shown below. I request permission to pay this amount as follows.

Amount

\$ 59,696.²⁶

\$ 32,376.²³

to be paid on 4-1-98 and

\$ 1850.⁰⁰

to be paid on 25th of each month thereafter until the liability is paid in full. Interest will be paid at the rate of 1% per month on the unpaid balance.

1997
1996
1995
1994
1993

<u>YEAR</u>	<u>TAXES</u>	<u>INTEREST</u>	<u>OTHER COSTS</u>	<u>TOTAL</u>
	53,196. ²⁶	6500. ⁰⁰	—	59,696. ²⁶

I also agree to pay when due all other City taxes for which I become liable during the term of this agreement. I understand and agree that if I fail to meet any of the conditions of this agreement, or if it is determined that collection of the tax is endangered, permission to make installment payments may be withdrawn and the entire amount of my tax liability may be collected by sale of my property.

Angel C. Mendes
Signature of Taxpayer

4-1-98
Date

John E. Charino
Agreement Examined and Approved By
City Collector

4-1-98
Date Approved

Kleban & Samor, P.C.

Attorneys at Law

2425 Post Road P.O. Box 763
Southport, Connecticut 06490
Telephone (203) 255-4646
Facsimile (203) 259-9617
Email address: info@kleban-samor.com
Leonard C. Blum
(203) 254-8939

900 Third Avenue, 13th Floor
New York, NY 10022
Telephone (212) 826-6755
Facsimile (212) 371-1084

Reply To Southport Office

April 1, 1998

BY HAND

Mr. Anthony Annarino
Tax collector
City Hall
Providence, Rhode Island 02903

**Re: 863 Broad Street, Plat 52, Lot #11
Mendez Real Estate, Inc.**

Dear Mr. Annarino:

With regard to the above-captioned matter, this date we have delivered to you my client's check in the amount of \$32,376.23 which represents the payment in full of the principal for the tax years 1993, 1994 and 1995, plus \$1,500 in interest for each of those years. Said payment is in full and complete satisfaction of all tax and interest liability for the tax years 1993, 1994 and 1995.

As I advised you, my client is paying the sum in anticipation of signing a lease for the property at 863 Broad Street. My client would not make this payment unless title to the property is clear and the lease is actually executed. Accordingly, it is my understanding that you have agreed to hold the check until we or the Chicago Title Insurance office in Providence advises you that the transaction has been completed and recorded on the land records, at which time you are free to deposit the check.

I would appreciate your countersigning this letter to indicate your consent of the foregoing.

Sincerely yours,



Leonard C. Blum

LCB/ao
enc.



**CITY OF PROVIDENCE
CITY COLLECTOR**

COUNTER BILL

DATE: DEC 28 1998

MENDEZ REAL ESTATE INC

484 CRANSTON ST
PROVIDENCE, RI 02907

ORIG TAX: 38,196.01 CREDITS: 10,400.00

052-0011-0000 863 BROAD

REAL ESTATE

ACCOUNT #: 13560997

QTR 1 27,796.01
QTR 2 0.00
QTR 3 0.00
QTR 4 0.00
TOTAL 27,796.01

INTEREST _____

TOT DUE _____

COLLECTOR'S STUB: WHEN PAYING BY MAIL DETACH AND RETURN IN ENVELOPE. MAKE CHECK PAYABLE TO CITY COLLECTOR.



CITY COLLECTOR, CITY OF PROVIDENCE

DEC 28 1998

MENDEZ REAL ESTATE INC

484 CRANSTON ST
PROVIDENCE, RI 02907

ORIG TAX: 38,196.01 CREDITS: 10,400.00

052-0011-0000 863 BROAD

ACCOUNT #: 13560997

QTR 1 27,796.01
QTR 2 0.00
QTR 3 0.00
QTR 4 0.00
TOTAL 27,796.01

YR	ACCT NBR	PROP VALUE	TOTAL TAX DUE	CREDITS	TOTAL TAX BAL
98	13560997	402,500	12,875.98	0.00	12,875.98
97	13560997	402,500	12,975.98	0.00	12,975.98
96	13560997	402,500	12,344.05	10,400.00	1,944.05
			=====	=====	=====
			38,196.01	10,400.00	27,796.01

NOTE: NO INTEREST IS SHOWN ON THIS STATEMENT. INTEREST WILL BE APPLIED TO ALL PAST DUE BALANCES AT TIME PAYMENT IS MADE.

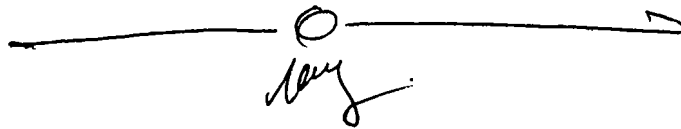
TAX _____ INTEREST _____ CHARGES _____

Lease made April 1, 1998, between Mendez Real Estate, Inc.

(Landlord) and Pena Providence, LLC. (Tenant).

Landlord hereby demises and lease to tenant, and tenant hereby hires and takes from landlord, the real property located at 863 Broad Street, Providence, RI 02907.

The demised premises, together with all rights, privileges easements and appurtenances thereunto belonging, tenant for the period ten (10) years commencing May 1, 1998 and ending April 30, 2008 (Lease Term) .The lease may be renewed after the initial lease term, at the option of the tenant, for an additional five (5) years.



ASSESSORS OFFICE
PROVIDENCE, R.I.
JAN 5 1 28 PM '99

IN WITNESS WHEREOF, the parties hereto have caused this lease to be executed in duplicate original as of the day and year first above written.

WITNESSES:

MENDEZ REAL ESTATE, INC.
-Landlord-

by: Angel C. Mendez

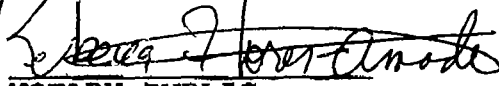
PENA PROVIDENCE, LLC.
-Tenant-


By: Renee Pena

By

STATE OF RHODE ISLAND)
 SS.:
COUNTY OF PROVIDENCE)

On the 4TH day of January 1999, before me personally came Angel Mendez and Paulino Pena, to me known and known to me to be the individuals described in and who executed the foregoing instrument and acknowledged me that they executed the same.


NOTARY PUBLIC



CHAPTER 1999-5

No. 52

AN ORDINANCE ESTABLISHING A TAX
STABILIZATION PLAN FOR MENDEZ REAL
ESTATE ON BEHALF OF PENA
PROVIDENCE CORPORATION FOR
863 BROAD STREET

Approved February 1, 1999

Be it ordained by the City of Providence:

PREAMBLE

WHEREAS, the City Council, pursuant to Section 43-3-3.1 and Section 44-3-9 of the General Laws of the State of Rhode Island, as amended, has the authority to exempt property used for industrial or commercial purposes from the payment of property tax if the granting of the exemption meets certain conditions set forth in said Sections of the General Laws of the State of Rhode Island; and

WHEREAS, Mendez Real Estate on behalf of Pena Providence Corporation has made application under, and has satisfied each condition of the above mentioned sections of the Rhode Island General Laws; and

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WHEREAS, the Project will cause an increase in the tax base of the City and will increase employment opportunities in the City; and

WHEREAS, it is in the interest of the residents of the City of Providence to grant such an exemption to induce the development and construction of the Project in the City, and such exemption will inure to the benefit of the City;

Be it Ordained by the City of Providence:

SECTION 1. That the findings set forth in the preceding Preamble Clauses are hereby made and confirmed.

SECTION 2. As long as Mendez Real Estate on behalf of Pena Providence Corporation owns or operates the facility, it will continue to pay taxes on the facility. Mendez Real Estate on behalf of Pena Providence Corporation, its successors and assigns, agrees that this property will be subject to full taxation at the expiration of the tax treaty. Mendez Real Estate on behalf of Pena Providence Corporation also agrees not to transfer the property to a tax-exempt entity or to allow any transfer by any subsequent transferee to a tax-exempt entity during the term of the tax treaty. Mendez Real Estate on behalf of Pena Providence Corporation is also required as a condition precedent to this tax treaty to record notice of the requirement that the property covered by this Ordinance be transferred only to a tax paying entity during the term of the tax treaty in the Land Evidence Records of the City of Providence. Notwithstanding this provision, in the event that the successor to the property does not make the payments under the tax treaty, Mendez Real Estate on behalf of Pena Providence Corporation will be responsible to make payments in lieu of taxes to the City of Providence in the amounts set forth in the attached schedule during the term of the tax treaty. In the event that the property covered by this Ordinance is transferred to a tax-exempt entity, whether by Mendez Real Estate on behalf of Pena Providence Corporation or any subsequent transferee to such property, Mendez Real Estate on behalf of Pena Providence Corporation will be responsible to make payments in lieu of taxes to the City of Providence during the term of the tax treaty equal to the amount of taxes which would have been paid to the City of Providence if such prohibition against transfer to a tax-exempt entity had not been violated. Notwithstanding anything to the contrary herein or in the tax treaty used in connection herewith, the provisions of this Section 2 shall continue to be given full force and effect until such time as the same shall be amended or terminated by majority vote of the City Council of Providence.

SECTION 3. It shall be the goal of Mendez Real Estate on behalf of Pena Providence Corporation to award to Minority Business Enterprises as defined in Rhode Island General Laws, Section 37-14.1 ("MBE Act") no less than 10% of the dollar value of the construction costs for the Project (as determined in accordance with the rules and regulations promulgated pursuant to the MBE act). It shall be Mendez Real Estate on behalf of Pena Providence Corporation's further goal to award to women business enterprises (WBE) no less than 10% of the dollar value of the construction costs for the project (as determined in accordance with Section

21-52 of the Code of Ordinances of the City of Providence). It shall be a further goal of Mendez Real Estate on behalf of Pena Providence Corporation to achieve a minimum level of 10% for minority and 10% for female employment.

SECTION 4. Mendez Real Estate on behalf of Pena Providence Corporation shall employ a minimum of thirty five (35) employees at the facility located at 863 Broad Street in Providence upon occupancy of said facility. In accordance with this section, Mendez Real Estate on behalf of Pena Providence Corporation shall give preferential consideration to qualified applicants who reside in the City of Providence with regard to all hiring decisions during the term of this tax treaty. Failure to generate the required additional new jobs within twenty-four (24) months of the date of occupancy, shall render the treaty null and void, unless so waived by the City Council. The treaty being rendered null and void shall require the owner of the property to pay all taxes and fees as due and owing as if no treaty had been entered.

SECTION 5. The schedules listed below are based upon information provided to the Tax Assessor by Mendez Real Estate on behalf of Pena Providence Corporation including, but not limited, to estimated construction costs. In the event any of this information is inaccurate or proves to be erroneous, this treaty shall be modified to reflect the accurate information.


SECTION 6. That the real property taxes payable to the City by the Project during the term of this Ordinance shall be based upon the real property tax rates in effect for the City's 1998 fiscal year. This treaty is conditioned upon Mendez Real Estate on behalf of Pena Providence Corporation owing no back taxes to the City of Providence or remaining current on a payment plan approved by the Tax Collector. Failure to make said timely payments may render this treaty null and void at the sole discretion of the City of Providence. The treaty being rendered null and void would require the owner to pay all taxes and fees as due and owing as if no treaty had been approved.

SECTION 7. That the City in accordance with Section 44-3-3.1 and Section 44-3-9 of the Rhode Island General Laws hereby grants an exemption from taxation of real property to Mendez Real Estate on behalf of Pena Providence Corporation for the real property located at 863 Broad Street, Providence, Rhode Island, Assessor's Plat 52, Lot 11, and the personal property located at said location which is used exclusively for and in connection with the operations of Mendez Real Estate on behalf of Pena Providence Corporation at said location, in

accordance with the schedules listed in Exhibit A, attached hereto and made a part hereof.

SECTION 8. This Ordinance shall take effect upon its passage.

A true copy,
Attest:



Michael R. Clement

Michael R. Clement
City Clerk

RECEIVED BY CITY ASSESSOR
PROVIDENCE RHODE ISLAND

7/24/98

DATE

APPLICATION FEE FORWARDED TO
COLLECTOR

\$300.00

AMOUNT

REVIEWED BY ASSESSOR WITH THE
FOLLOWING RECOMMENDATIONS

SIGNATURE/DATE/ASSESSOR

RECEIVED BY CITY COLLECTOR

[Signature]

APPLICANT OWES FOLLOWING TAXES 96, 97 & 98 YEAR 32,996.01 AMOUNT

1996

7,144.05

1997

12,975.98

1998

12,875.98

TAXES ARE PAID IN FULL

ARRANGEMENTS HAVE BEEN MADE

x

YES

NO

SIGNATURE/DATE/COLLECTOR

[Signature] 10-1-98

RECEIVED BY BUILDING INSPECTOR
DATE

8-3-98

PLANS AS REVIEWED MEET ALL CUR-
RENT CODES/STATUTES OF CITY

*

✓

YES

NO

NO VIOLATIONS EXIST ON THIS OR
OTHER PROPERTIES OWNED BY
APPLICANT

YES

NO

* VIOLATIONS EXIST AS FOLLOWS

VIOLATIONS HAVE BEEN DIS-
CUSSED WITH APPLICANT(S)
ARRANGEMENTS HAVE BEEN
MADE TO CORRECT SAME

YES

NO

SIGNATURE/DATE/BUILDING INSPECTOR

Ranzi J. [Signature]

* Permit has been issued to renovate 1st Floor into a supermarket, however the new mezzanine needs a zoning variance from the zoning board of review.

CITY OF PROVIDENCE, RHODE ISLAND

APPLICATION REQUESTING

TAX STABILIZATION FOR COMMERCIAL / INDUSTRIAL PROPERTIES

ACCORDING TO

CHAPTER 21 OF THE CODE ORDINANCES AS AMENDED

PAY OF NON-REFUNDABLE APPLICATION FEE
MUST ACCOMPANY APPLICATION ACCORDING TO
THE FOLLOWING SCHEDULE :

\$150.00 FOR PERMIT UP TO - \$250,000 (COM/IND)

\$225.00 FOR PERMIT FROM \$251,000 - \$750,000

\$300.00 FOR PERMIT OVER - \$751,000

\$200.00 FOR COMPUTER/TELEPHONE

.001% OF EST. CONSTRUCTION COSTS (RESIDENTIAL)

DATE _____

1. NAME & ADDRESS OF APPLICANT (IF CORPORATION/PARTNERSHIP, GIVE NAME & TITLE OF CEO FILING APPLICATION). PENA PROVIDENCE CORP.
PAULINO PENA, PRESIDENT
361 WHITNEY AVENUE
TRUMBULL, CT. 06611
2. IF APPLICANT IS LESSEE, GIVE NAME AND ADDRESS OF OWNER AND SPECIFIC TERMS OF LEASE MENDEZ REAL ESTATE
490 CRANSTON STREET
PROVIDENCE, RI 02907
10 YEAR LEASE WITH OPTION TO
PURCHASE THE PROPERTY AT END
OF LEASED PERIOD.
3. LOCATION OF PROPERTY 863 BROAD ST., PROVIDENCE, RI
4. ASSESSOR'S PLAT AND LOT PLAT-52 LOT-11
5. DATE & PURCHASE PRICE OF EXISTING PROPERTY OCTOBER 28 1985
\$275,000.00
6. COST & PROJECTED DATE OF ADDITIONAL PROPERTY TO BE PURCHASED FOR THIS EXPANSION PROJECT N/A

7. ESTIMATED COST OF EXPANSION/ RENOVATION. (ATTACH EVIDENCE SUPPORTING SUCH FIGURE: COP OF BIDS, CONSTRUCTION CONTRACT, ARCHITECT'S CERTIFICATION). GIVE DETAILS AS TO SCOPE OF PROJECT TO BE UNDERTAKEN--# OF STORIES TYPE OF CONSTRUCTION, TOTAL SQ. FT. ETC.) \$971,000.00
COMPLETE AND TOTAL RENOVATION
ONE (1) STORY (NO CHANGE)
CARPENTRY, PLUMBING, ELECTRICAL, HVAC
CONCRETE, PAINTING, PARKING, FENCE,
SECURITY, TELEPHONE SYSTEM, 12,000 SQ. FT.
8. DESCRIBE EXISTING FACILITY:
 # OF STORIES ONE (1)
 # OF SQ. FT./ FLOOR 12,000
 AGE OF BUILDING(S) 35 ±
 TYPE OF CONSTRUCTION MASONRY WALL AND PROTECTED WOOD JOISTS
 INTERIOR CONDITION FAIR
 EXTERIOR CONDITION FAIR
9. APPLICATION IS MADE UNDER THE PROVISION OF THE ORDINANCE FOR THE FOLLOWING REASON(S) (CHECK ONE OR MORE)
☒ a. locate in City of Providence
☐ b. replace section of premises
☐ d. expand building
☒ e. remodel facility
☐ f. construct new building (s)
☐ g. computer/telephone
☐ h. other
10. WILL PROPOSED CONSTRUCTION/ ALTERATION INCREASE THE EMPLOYMENT AT YOUR COMPANY YES ☒ NO ☐
 IF YES, GIVE ESTIMATE AS TO NEW POSITIONS TO BE CREATED AND JUSTIFICATION FOR SAME 35 POSITIONS TO INSURE THAT THE
FACILITY WILL OPERATE EFFICIENTLY
AND PROPERLY
11. WILL THE PROPOSED ALTERATION/ CONSTRUCTION CAUSE ANY OTHER FACILITY TO CLOSE? YES ☐ NO ☒
12. WILL CONSTRUCTION/ALTERATION REQUIRE PURCHASE OF ADDITIONAL FURNITURE/FIXTURES/EQUIPMENT? YES ☐ NO ☐
 IF YES, GIVE DETAILS AS TO NUMBER AND TYPE TO BE PURCHASED REFRIGERATION UNITS FOR MEAT
DEPT., PRODUCE, DELICATESSEN,
WALK-IN COOLERS, GONDOLAS,
SHELVING, COUNTERS.

13. CONSTRUCTION SHALL BEGIN ANTICIPATED THAT CONSTRUCTION SHALL BE COMPLETED

4 MONTHS

14. ARE ALTERATIONS/CONSTRUCTION PLANS PERMITTED UNDER THE PRESENT ZONING;

NO

**IF NO, PLEASE ADVISE AS TO
WHETHER APPLICATION HAS BEEN
OR WILLBE FILED WITH ZONING
BOARD OF REVIEW.**

HAS HEARING BEEN SCHEDULED?

N/A

IT IS THE UNDERSTANDING OF THE APPLICANT(S) THAT THE EXEMPTION, IF APPROVED, IS APPLICABLE ONLY TO COMMERCIAL/ INDUSTRIAL CONCERNS WHO WISH TO LOCATE IN THE CITY, OR WHO WISH TO REPLACE, RECONSTRUCT, EXPAND OR REMODEL CURRENT FACILITIES; THAT MEET THE APPROVAL OF THE BUILDING INSPECTOR; THAT ALL CURRENT AND PAST TAXES DUE BY THE APPLICANT(S) MUST BE PAID IN FULL; THAT THE EXEMPTION WOULD BE ATTRIBUTABLE ONLY TO THAT PORTION OF THE ASSESSMENT ATTRIBUTABLE TO THIS CONSTRUCTION / RENOVATION; THAT THE EXEMPTION MAY BE REVOKED IN THE EVENT OF FRAUD OR MISREPRESENTATION BY THE APPLICANT(S).


SIGNATURE OF APPLICANT

SIGNATURE OF APPLICANT

Notary Public
My Commission Expires
July 15, 2001
WITNESS REINHOLD.

WITNESS

REINOLD LEXI

DATE _____

ADDRESS

DATE _____

	A	B	C	D	E	F	G	H	I
1	Year #	% Abated	Date	Taxes Pd.	Assessment Abated	Taxes Abated	Level Pmts	Tangible	Total
2									
3	1	90%	12/31/98	\$ 1,679	\$ 472,500	\$ 15,115	\$ 9,237	\$ 12,669	\$ 21,906
4	2	80%	12/31/99	\$ 3,359	\$ 420,000	\$ 13,436	\$ 9,237	\$ 12,669	\$ 21,906
5	3	70%	12/31/00	\$ 5,038	\$ 367,500	\$ 11,756	\$ 9,237	\$ 12,669	\$ 21,906
6	4	60%	12/31/01	\$ 6,718	\$ 315,000	\$ 10,077	\$ 9,237	\$ 12,669	\$ 21,906
7	5	50%	12/31/02	\$ 8,397	\$ 262,500	\$ 8,397	\$ 9,237	\$ 12,669	\$ 21,906
8	6	40%	12/31/03	\$ 10,077	\$ 210,000	\$ 6,718	\$ 9,237	\$ 12,669	\$ 21,906
9	7	30%	12/31/04	\$ 11,756	\$ 157,500	\$ 5,038	\$ 9,237	\$ 12,669	\$ 21,906
10	8	20%	12/31/05	\$ 13,436	\$ 105,000	\$ 3,359	\$ 9,237	\$ 12,669	\$ 21,906
11	9	10%	12/31/06	\$ 15,115	\$ 52,500	\$ 1,679	\$ 9,237	\$ 12,669	\$ 21,906
12	10	0%	12/31/07	\$ 16,795	\$ -	\$ -	\$ 9,237	\$ 12,669	\$ 21,906
13									
14									
15	Totals			\$ 92,371	\$ 2,362,500	\$ 75,576	\$ 92,370	\$ 126,690	\$ 219,060
16									
17	Total Assess	\$ 525,000							

	A	B	C	D	E	F	G
1	Year #	% Abated	Date	Taxes Pd.	Assessment Abated	Taxes Abated	Level Pmts
2							
3	1	90%	12/31/98	\$ 2,303	\$ 270,000	\$ 20,731	\$ 12,669
4	2	80%	12/31/99	\$ 4,607	\$ 240,000	\$ 18,427	\$ 12,669
5	3	70%	12/31/00	\$ 6,910	\$ 210,000	\$ 16,124	\$ 12,669
6	4	60%	12/31/01	\$ 9,214	\$ 180,000	\$ 13,820	\$ 12,669
7	5	50%	12/31/02	\$ 11,517	\$ 150,000	\$ 11,517	\$ 12,669
8	6	40%	12/31/03	\$ 13,820	\$ 120,000	\$ 9,214	\$ 12,669
9	7	30%	12/31/04	\$ 16,124	\$ 90,000	\$ 6,910	\$ 12,669
10	8	20%	12/31/05	\$ 18,427	\$ 60,000	\$ 4,607	\$ 12,669
11	9	10%	12/31/06	\$ 20,731	\$ 30,000	\$ 2,303	\$ 12,669
12	10	0%	12/31/07	\$ 23,034	\$ -	\$ -	\$ 12,669
13							
14							
15	Totals			\$ 126,687	\$ 1,350,000	\$ 103,653	\$ 126,690
16							
17	Total Assessment	\$ 300,000					

City of Providence, Rhode Island
Payment Agreement

52/11

Name and Address of Taxpayers

Account No.

I, the undersigned taxpayer, am unable at this time to pay the City of Providence taxes, interest and other costs I owe in the amount shown below. I request permission to pay this amount as follows.

Amount\$ 59,696.²⁶\$ 32,376.²³

to be paid on 4-1-98 and

\$ 1850.⁰⁰

to be paid on 25th of each month thereafter until the liability is paid in full. Interest will be paid at the rate of 1% per month on the unpaid balance.

YEARTAXESINTERESTOTHER
COSTS\$ TOTAL53,196.²⁶6500.⁰⁰

—

59,696.²⁶

I also agree to pay when due all other City taxes for which I become liable during the term of this agreement. I understand and agree that if I fail to meet any of the conditions of this agreement, or if it is determined that collection of the tax is endangered, permission to make installment payments may be withdrawn and the entire amount of my tax liability may be collected by sale of my property.

Roger C. Grande
Signature of Taxpayer

Date

4-1-98

William E. Charnin
Agreement Examined and Approved By
City Collector

Date Approved

4-1-98

1997
1996
1995
1994
1993

Kleban & Samor, P.C.

Attorneys at Law

2425 Post Road P.O. Box 763
Southport, Connecticut 06490
Telephone (203) 255-4646
Facsimile (203) 259-9617
Email address: info@kleban-samor.com
Leonard C. Blum
(203) 254-8939

900 Third Avenue, 13th Floor
New York, NY 10022
Telephone (212) 826-6755
Facsimile (212) 371-1084

Reply To Southport Office

April 1, 1998

BY HAND

Mr. Anthony Annarino
Tax collector
City Hall
Providence, Rhode Island 02903

Re: 863 Broad Street, Plat 52, Lot #11
Mendez Real Estate, Inc.

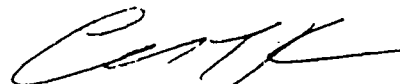
Dear Mr. Annarino:

With regard to the above-captioned matter, this date we have delivered to you my client's check in the amount of \$32,376.23 which represents the payment in full of the principal for the tax years 1993, 1994 and 1995, plus \$1,500 in interest for each of those years. Said payment is in full and complete satisfaction of all tax and interest liability for the tax years 1993, 1994 and 1995.

As I advised you, my client is paying the sum in anticipation of signing a lease for the property at 863 Broad Street. My client would not make this payment unless title to the property is clear and the lease is actually executed. Accordingly, it is my understanding that you have agreed to hold the check until we or the Chicago Title Insurance office in Providence advises you that the transaction has been completed and recorded on the land records, at which time you are free to deposit the check.

I would appreciate your countersigning this letter to indicate your consent of the foregoing.

Sincerely yours,



Leonard C. Blum

LCB/ao
enc.



CITY OF PROVIDENCE
CITY COLLECTOR

BK4011PG170

COUNTER BILL

DATE: DEC 28 1998

MENDEZ REAL ESTATE INC

484 CRANSTON ST
PROVIDENCE, RI 02907

ORIG TAX: 38,196.01 CREDITS: 10,400.00

052-0011-0000 863 BROAD

REAL ESTATE

ACCOUNT #: 13560997

QTR 1 27,796.01
QTR 2 0.00
QTR 3 0.00
QTR 4 0.00
TOTAL 27,796.01

INTEREST _____

TOT DUE _____

COLLECTOR'S STUB: WHEN PAYING BY MAIL DETACH AND RETURN IN ENVELOPE. MAKE CHECK PAYABLE TO CITY COLLECTOR.



CITY COLLECTOR, CITY OF PROVIDENCE

DEC 28 1998

ACCOUNT #: 13560997

MENDEZ REAL ESTATE INC

484 CRANSTON ST
PROVIDENCE, RI 02907

ORIG TAX: 38,196.01 CREDITS: 10,400.00

052-0011-0000 863 BROAD

QTR 1 27,796.01
QTR 2 0.00
QTR 3 0.00
QTR 4 0.00
TOTAL 27,796.01

TR	ACCT NBR	PROP VALUE	TOTAL TAX DUE	CREDITS	TOTAL TAX BAL
08	13560997	402,500	12,875.98	0.00	12,875.98
07	13560997	402,500	12,875.98	0.00	12,875.98
06	13560997	402,500	12,344.05	10,400.00	1,944.05
			=====	=====	=====
			38,196.01	10,400.00	27,796.01

NOTE: NO INTEREST IS SHOWN ON THIS STATEMENT. INTEREST WILL BE APPLIED TO ALL PAST DUE BALANCES AT TIME PAYMENT IS MADE.

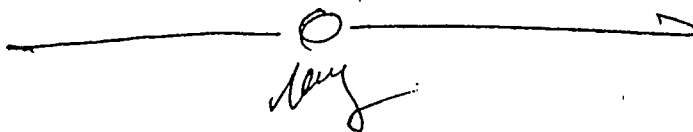
TAX _____ INTEREST _____ CHARGES _____

BK4011PG171

Lease made April 1, 1998, between Mendez Real Estate, Inc.
(Landlord) and Pena Providence, LLC. (Tenant).

Landlord hereby demises and lease to tenant, and tenant hereby
hires and takes from landlord, the real property located at 863
Broad Street, Providence, RI 02907.

The demised premises, together with all rights, privileges
easements and appurtenances thereunto belonging, tenant for the
period ten (10) years commencing May 1, 1998 and ending April 30,
2008 (Lease Term). The lease may be renewed after the initial lease
term, at the option of the tenant, for an additional five (5)
years.



ASSESSORS OFFICE
PROVIDENCE, R.I.
JAN 5 1 28 PM '99

IN WITNESS WHEREOF, the parties hereto have caused this lease to be executed in duplicate original as of the day and year first above written.

WITNESSES:

MENDEZ REAL ESTATE, INC.
-Landlord-

by: Angel C. Mendez

PENA PROVIDENCE, LLC.
-Tenant-

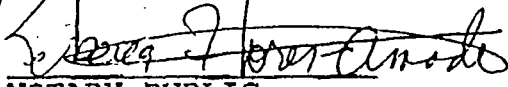
By: Rene Luis Pena

10/8

BK4011PG173

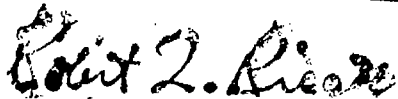
STATE OF RHODE ISLAND)
COUNTY OF PROVIDENCE) SS.:

On the 4TH day of January 1999, before me personally came Angel Mendez and Paulino Pena, to me known and known to me to be the individuals described in and who executed the foregoing instrument and acknowledged me that they executed the same.


NOTARY PUBLIC

FEB 10 1999

Received for Record at 11 o'clock 37 min A in
Recorder of Deeds


Robert L. Riccio

C 4011 / 158-173

5719

11 37

FEB 10 1999

Solent 2. Ried
Recorder of *Deeds*