

No. G.F.D. (AS) JUL 12 2017 Ordinance

Date to Mayor ... AUG 03 2017

No. Public Hearing

Date Returned ... AUG 07 2017

No. 6PSFE AUG 02 2017 City of Newark, N.J.

Date Resubmitted To Council

No. Reconsidered

Date Advertised 1st Reading

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

Factual contents certified FOR J. KELLY

[Signature]
Acting Corporation Counsel

Title *[Signature]*

Council Member Council of the whole presents the following Ordinance:

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ORDINANCE OF THE CITY OF NEWARK, COUNTY OF ESSEX, STATE OF NEW JERSEY, AUTHORIZING THE TRANSFER OF CERTAIN PROPERTIES TO THE CITY OF NEWARK BOARD OF EDUCATION AND RELEASING A CERTAIN DEED RESTRICTION.

WHEREAS, in 1850, the New Jersey State Legislature established the Board of Education of the City of Newark; and

WHEREAS, the Board of Education (the "Board"), under the authority granted to it by N.J.S.A. 18A:1-1 et seq., owns and operates public schools in the City of Newark (the "City"); and

WHEREAS, the Board has closed numerous public schools within the City over the past few years, and several of those school properties are now vacant; and

WHEREAS, the Board wishes to dispose of certain of those properties that are vacant and are no longer needed for school use, portions of which are detailed below (the "Properties"); and

WHEREAS, upon receipt of title searches for the Properties prepared by Gibraltar Title Agency, it was discovered that the title to certain School properties are vested in the City and some are partially vested in the School and partially vested in the City; and

WHEREAS, the Board has exercised dominion and control over each of the Properties and operated them for educational purposes during the times that each of the Properties was in use as a school; and

WHEREAS, all of the Properties are reflected on the Tax Maps of the City of Newark as owned by the Board or its related entity, the Newark Public Schools; and

WHEREAS, it is believed that it was intended that any interests held by the City would be transferred to the Board, but such transfer never occurred, or occurred and was never recorded; and

WHEREAS, because the Properties were shown on the Tax Maps as under Board ownership, the City was unaware that it held any interest in any of the Properties; and

WHEREAS, the School has requested that the City transfer its interests in the Properties, as listed below in Section 1, to the Board; and

WHEREAS, the City may, pursuant to N.J.S.A. 40A:12-13(b)(1), authorize by ordinance the sale of City-owned real property or interests therein, not needed for public use to "any political subdivision, agency, department, commission, board or body corporate and politic of the State of New Jersey"; and

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WHEREAS, the City has determined that the properties are not needed for public use, and wishes to release all right, title, and interest that it may have in the Properties at a price of One Dollar and Zero Cents (\$1.00) per property to the Board, upon certain conditions and with certain restrictions; and

WHEREAS, as certain Properties are listed on the National and/or New Jersey Registers of Historic Places ("Historic Properties"), and

WHEREAS, as a condition of the transfer of the Historic Properties and with the cooperation of the City, the Board shall comply with all applicable State and Federal rules and regulations related to the transfer of the Historic Properties; and

WHEREAS, the City did not authorize the Properties to be used for public recreational purposes as defined by the rules and regulations promulgated by the State of New Jersey's Green Acres Program, N.J.S.A. 13:8C-24 et seq.; and

WHEREAS, as a condition of the transfer of the Properties, the Board shall accept responsibility for any action which violates the rules and regulations promulgated by the Green Acres Program; and

WHEREAS, the Board has further discovered that the title to a certain property which the Board owns and no longer needs for school purposes contains restrictions imposed by the City limiting the use of the properties to school uses; and

WHEREAS, the Board has requested that the City release the restriction limiting the use of the following property to educational purposes only:

The property located at 452-460 Lyons Avenue, (South Ward) designated as Block 3731, Lot 1, formerly used as the Banneker School, with the restriction being contained in a Deed from the City of Newark to Bet Yeled School, The Jewish Folk School Newark, dated: August 22, 1968 and recorded at: Book 3616, page 334; and re-recorded in Book 3627, page 184; and

WHEREAS, the City wishes to convey its interests in the Properties to the School, and to release the restriction on the property located at 452-460 Lyons Avenue, on certain conditions and with certain restrictions.

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

Section 1. The City hereby approves and authorizes the transfer of title to the School of the following portions of properties and/or entire properties:

1. Those portions of the property located at 47-63 Miller Street, (South Ward) shown on the Tax Maps as a portion of Block 2794, Lot 26 and formerly used as the Miller Street School, which were transferred to the City by the following conveyances:
 - a. Into the Mayor and Common Council of the City of Newark, in the County of Essex and State of New Jersey by Deed from James L. Hayes and wife and others, dated August 3, 1872, recorded September 20, 1872 in the Essex County Register's Office in Book M16, page 380; and
 - b. Into the Mayor and Common Council of the City of Newark by Deed from Samuel Atwater and Charlotte S. his wife, Sarah E. Carter and Anson A. Carter individually and as Executors of the Will of Frederick A. Carter of the City of Newark in the County of Essex and State of New Jersey, dated January 9, 1892, recorded February 2, 1892 in the Essex County Registers' Office in Book Q26, page 294; and

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- 1 c. Into the Mayor and Common Council of the City of Newark, in the
2 County of Essex and State of New Jersey by Deed from Susan L. Ward,
3 Joseph M. Ward and Marcus L. Ward, Executors of the Last Will and
4 Testament of Marcus L. Ward, deceased, late of the City of Newark in the
5 County of Essex and State of New Jersey, dated December 28, 1891,
6 recorded February 5, 1892 in the Essex County Register's Office in Book
7 T26, page 63.
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10 2. That portion of the property located at 695-715 Bergen Street, (South
11 Ward) shown on the Tax Maps as a portion of Block 2687, Lot 25, and
12 formerly used as the William H. Brown, Jr. Academy, which was
13 transferred to the City by the following conveyance:
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15 a. Into the Mayor and Common Council of the City of Newark, by Deed
16 from Jonas Reeve (single), dated March 17, 1900, recorded April 26, 1900
17 in the Essex County Register's Office in Book H33, page 154.
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19 3. That portion of the property located at 28-34 Burnet Street, (Central
20 Ward), shown on the Tax Maps as a portion of Block 44, Lot 51, and
21 formerly used as the Burnet Street School, which was transferred to the
22 City by the following conveyance:
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24 a. Into the Mayor and Common Council of the City of Newark, in the
25 County of Essex and State of New Jersey by Deed from Jacob W. Crane
26 and Susan, his wife, dated April 4, 1868, recorded April 28, 1868 in the
27 Essex County Register's Office in Book W13, page 251.
- 28
29 4. Those portions of the property located at 200-214 Warren Street, (Central
30 Ward), shown on the Tax Maps as a portion of Block 403, Lot 23, and
31 formerly used as American History High School, which were transferred to
32 the City by the following conveyances:
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34 a. Deed from James Searing and Elizabeth, his wife, to the Mayor and
35 Common Council of the City of Newark dated July 7, 1848 in the Essex
36 County Clerk's Office in Book W6, page 45.
- 37
38 b. Deed from Ann Shields, wife of Thomas Shields and the said Thomas
39 Shields to The Mayor and Common Council of the City of Newark dated
40 April 14, 1875, recorded April 26, 1875 in the Essex County Clerk's Office
41 in Book G18, page 268. Prior Deed from Murray Townley and Amelia, his
42 wife and Elizabeth P. Townley to Ann Shields wife of Thomas Shields
43 dated March 13, 1868 recorded March 31, 1868, in the Essex County
44 Clerk's Office in Book U13, page 353.
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46 c. Deed from Jonas Searing and Meartha Ann Searing, his wife and
47 William H. Baldwin and Cornelia H., his wife to The Mayor and Common
48 Council of the City of Newark dated August 6, 1895 recorded April 15,
49 1886 in the Essex County Clerk's Office in Book B23, page 166.
- 50
51 d. Deed from Thomas L. Rowe to The Mayor and Common Council of the
52 City of Newark dated September 2, 1890, recorded October 2, 1890 in the
53 Essex County Clerk's Office in Book N25, page 405.
- 54
55 e. Deed from Benjamin F. Jones, unmarried to The Mayor and Common
56 Council of the City of Newark dated November 15, 1900, recorded
57 November 22, 1900 in the Essex County Clerk's Office in Book W33, page
58 101.
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60 5. That portion of the property located at 70-78 Roseville Avenue, (West
61 Ward), designated as a portion of Block 1890, Lot 10, and formerly used
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as the Roseville Avenue School, which was transferred to the City by the following conveyance:

a. into the Mayor and Common Council of the City of Newark in the County of Essex and State of New Jersey by Deed from Cyrus Peck and Mary P., his wife, dated May 7, 1860, recorded May 29, 1860 in the Essex County Register's Office in Book D11, page 80.

6. The entirety of the property located at 75-87 Morton Street, designated as Block 2513 Lot 1, and formerly used as the West Side NAF Academy of Business & Finance, which was transferred to the City by the following conveyances:

a. Deed from Horace H. Nichols and Mary C. Nichols, his wife, to the Mayor and Common Council of the City of Newark dated November 12, 1850 recorded November 12, 1850 in the Essex County Clerk's Office in Book K7, page 198.

b. Deed from Joseph D. Coe, Moses B. Coe, Aaron Coe and Charles J. Peirson, Executors of the Last Will and Testament of Sayres Coe to the Mayor and Common Council of the City of Newark dated July 26, 1853, recorded October 7, 1853 in the Essex County Clerk's Office in Book R8, page 354.

c. Deed from Louis Joachum (widower) and devisee under the Last Will and Testament of Amalia Joachum, deceased to The Mayor and Common Council of the City of Newark dated March 24, 1896, recorded March 2, 1897 in the Essex County Clerk's Office in Book M30, page 310.

d. Deed from Elwood C. Harris, one of the Special Masters to the Court of Chancery of New Jersey to The Mayor and Common Council of the City of Newark dated September 29, 1896 recorded October 12, 1896 in the Essex County Clerk's Office in Book F30, page 274.

e. Deed from Maria Theresa Plagge, widow of Hermann Plagge to The Mayor and Common Council of the City of Newark, dated March 8, 1897, recorded May 7, 1897 in the Essex County Clerk's Office in Book Q30, page 229.

f. Street vacation by Ordinance of the City of Newark, New Jersey ("AN ORDINANCE VACATING THAT PART OF COLLEGE PLACE, 20 FEET IN WIDTH BETWEEN HOWARD STREET AND BROOME STREET, AS SHOWN ON THE MAP OF THE COMMISSIONERS TO LAY OUT STREETS, AVENUES AND SQUARES") recorded October 2, 1962 in Book 2, page 311.

g. Street vacation by Ordinance of the City of Newark, New Jersey (" AN ORDINANCE PROVIDING FOR THE VACATION OF BROOME STREET AS LAID OUT 60 FEET IN WIDTH ON THE MAP OF THE COMMISSIONERS TO LAY OUT STREETS, AVENUES AND SQUARES EXTENDING FROM COURT STREET TO WEST KINNEY STREET") recorded April 14, 1969 in Book 4, page 233.

7. The entirety of the property located at 15-21 State Street, designated as Block 50 Lot 37, and formerly used as the State Street School, which was transferred to the City by the following conveyances:

a. into the Mayor and Common Council of the City of Newark by Deed from John Downey and Catharine, his wife, dated November 10, 1845, recorded November 10, 1845 in the Essex County Register's Office in Deed Book 16, page 265.

