

# Resolution of the City of Newark, N.J.

NO. 7R2-D

Date of Adoption AUG 07 2019

## Title Page

**Dept/ Agency:** Economic and Housing Development

**Action:** ( ) Ratifying (X) Authorizing ( ) Amending

**Type of Service:** Private Sale/Redevelopment

**Purpose:** Develop a four-story, approximately twenty-four (24) unit mixed use apartment building with parking and ground level commercial retail space.

**Entity Name:** Empire Risk Properties, LLC

**Entity Address:** 49 16<sup>th</sup> Avenue, Newark, New Jersey 07103

**Sale Amount:** \$85,687.00

**Cost Basis:** (X) \$7.00 PSF ( ) Negotiated ( ) N/A ( ) Other:

**Assessed Amount:** \$148,800.00

**Appraised Amount:** \$0.00

**Contract Period:** To be commenced within three (3) months and be completed within twenty-four (24) months from the transfer of ownership by the City

**Contract Basis:** ( ) Bid ( ) State Vendor ( ) Prof. Ser. ( ) EUS

( ) Fair & Open ( ) No Reportable Contributions ( ) RFP ( ) RFQ

(X) Private Sale ( ) Grant ( ) Sub-recipient ( ) n/a

### **List of Property:**

#### **(Address/Block/Lot/Ward)**

51 16<sup>th</sup> Avenue/Block 295/Lot 27/Central Ward

53 16<sup>th</sup> Avenue/Block 295/Lot 28/Central Ward

55 16<sup>th</sup> Avenue/Block 295/Lot 29/Central Ward

57 16<sup>th</sup> Avenue/Block 295/Lot 30/Central Ward

59 16<sup>th</sup> Avenue/Block 295/Lot 31/Central Ward

### **Additional Information:**

Total Square Footage = 12,241. X \$7.00 = \$85,687.00

Sale at prices set forth by Ordinance 6S&Fh adopted on April 7, 2004, establishing the minimum sale price of City-owned properties

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

Factual contents certified by

\_\_\_\_\_  
Corporation Counsel

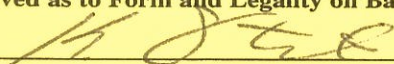
\_\_\_\_\_  
Title

Council Member \_\_\_\_\_ presents the following Resolution:

# Resolution of the City of Newark, N.J.

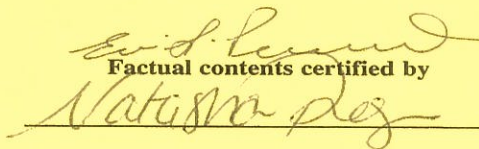
NO. 7R2-DDate of Adoption AUG 07 2019

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



Corporation Counsel

Factual contents certified by



Title

Council Member McDermott presents the following Resolution:

**WHEREAS**, the purpose of this resolution to approve the sale and redevelopment of the following City-owned Properties located in the Central Ward of the City of Newark:

ADDRESS	BLOCK	LOT	SIZE	SQ. FEET
51 16 <sup>th</sup> Avenue	295	27	24.9X90	2,241.
53 16 <sup>th</sup> Avenue	295	28	25X100	2,500.
55 16 <sup>th</sup> Avenue	295	29	25X100	2,500.
57 16 <sup>th</sup> Avenue	295	30	25X100	2,500.
59 16 <sup>th</sup> Avenue	295	31	25X100	2,500.

Total Square Footage: 12,241.

Purchase Price: \$85,687.00 (\$7.00 per sf.); and

**WHEREAS**, the City of Newark has determined that the above referenced City-owned Properties (the "Properties") are no longer needed for public use; and

**WHEREAS**, pursuant to N.J.S.A. 40A:12A-8(g), the City of Newark is proceeding with the rehabilitation of the area and is conveying Properties at such prices and upon such terms as it deems reasonable and said conveyance is made in conjunction with the applicable Redevelopment Plan, as amended; and

**WHEREAS**, the Municipal Council previously adopted Resolution 7Rdo(AS) on June 15, 2005, designating the entire City as an "area in need of rehabilitation" under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq. (the "LRHL"); and

**WHEREAS**, the Municipal Council thereafter adopted Ordinance 6S&Fe on August 17, 2005, adopting the First Amendment to the Central Ward Redevelopment Plan governing the redevelopment of City-owned Properties located within the Central Ward, which includes the above-referenced Properties; and

**WHEREAS**, the City received a letter of intent, attached as Exhibit A of the Redevelopment Agreement (hereinafter "Proposal"), for the purchase and redevelopment of the Properties from Empire Risk Properties, LLC, 49 16<sup>th</sup> Avenue, Newark, New Jersey 07103 (the "Redeveloper"); and

**WHEREAS**, the Redeveloper has proposed to the City's Department of Economic and Housing Development to develop the Properties as a four-story, approximately twenty-four (24) unit mixed use apartment building with parking and ground level commercial retail space (the "Proposal"); and



No. 7R2-DDate AUG 07 2019

**WHEREAS**, based upon the City's review of the proposal and other such information, the City has determined that the Redeveloper possesses the proper qualifications and requisite financial resources and capacity to acquire the Properties and to develop them in accordance with the requirements of N.J.S.A. 40A:12A-8(g), the terms and conditions of the Agreement for the Sale and Redevelopment of Land, the form of which is attached hereto (the "Agreement"), and the Central Ward Redevelopment Plan, as amended; and

**WHEREAS**, pursuant to the above-mentioned statutory authority, the Department of Economic and Housing Development has recommended that the City of Newark sell the Properties to Empire Risk Properties, LLC, whom is willing to purchase the Properties from the City, for the consideration of Eighty-Five Thousand, Six Hundred and Eighty-Seven Dollars and Zero Cents (\$85,687.00), for the purpose of developing said Properties in accordance with the requirements of N.J.S.A. 40A:12A-8(g), the Agreement, and the Central Ward Redevelopment Plan, as amended.

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

1. The Mayor and/or his designee and the Interim Deputy Mayor/Director of the Department of Economic and Housing Development are hereby authorized to enter into and execute the Agreement for the Sale and Redevelopment of Land attached hereto with Empire Risk Properties, LLC, 49 16<sup>th</sup> Avenue, Newark, New Jersey 07103, for the private sale and redevelopment of the following Properties, for the following Purchase Price, in accordance with the requirements of N.J.S.A. 40A:12A-8(g), the terms and conditions of the attached Agreement and the Central Ward Redevelopment Plan, as amended:

<u>ADDRESS</u>	<u>BLOCK</u>	<u>LOT</u>	<u>SIZE</u>	<u>SQ. FEET</u>
51 16 <sup>th</sup> Avenue	295	27	24.9X90	2,241.
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Total Square Footage: 12,241.

Purchase Price: \$85,687.00 (\$7.00 per sf.)

2. Said Properties shall be sold to Empire Risk Properties, LLC, by private sale for the purpose of developing the above-mentioned Properties as a four-story, approximately twenty-four (24) unit mixed use apartment building with parking and ground level commercial retail space.
3. The Interim Deputy Mayor/Director of the Department of Economic and Housing Development is hereby authorized to effectuate certain business terms and conditions related to the Redevelopment Agreement annexed hereto and may enter into access and right of entry agreements and any related documents which may be necessary in order to effectuate the sale of the Properties and the terms and conditions of the Agreement, all in forms subject to the approval of the City of Newark Corporation Counsel.
4. The Interim Deputy Mayor/Director of the Department of Economic and Housing Development is hereby authorized to enter into a maximum of two (2) six (6) month extensions of any timeframe set forth in the Agreement, subject to full written disclosure of such extension(s) (in the form of a signed memorandum to be submitted to the Office of the City Clerk prior to adoption) to the Municipal Council of the City of Newark by the Director of the Department of Economic and Housing Development and the approval of the City of Newark's Corporation Counsel.



No. 7R2-DDate AUG 07 2019

5. The Redeveloper shall be designated as the exclusive redeveloper of the Properties and any other prior legislation authorizing or intended to authorize the sale and/or redevelopment and/or rehabilitation of the Properties is hereby rescinded.
6. The Redeveloper shall have thirty (30) days from the date this resolution is certified by the Office of the City Clerk to execute the attached Agreement for the Sale and Redevelopment of Land and return same to the Department of Economic and Housing Development. Should the Redeveloper fail to execute and return the attached Agreement within this thirty (30) day time period, the authorization provided by this resolution shall be null and void, unless the Interim Deputy Mayor/Director of the Department of Economic and Housing Development agrees in writing to extend this thirty (30) day time period.
7. The Director of Finance is hereby authorized to receive proceeds of the sale and to deposit same as follows: ninety percent (90%) of the sale proceeds shall be deposited into the Community and Economic Development Dedicated Trust Fund established under Resolution 7Rg, November 6, 1985; and ten percent (10%) of the sale proceeds shall be placed in the City's Affordable Housing Trust Fund established under City Ordinance 6S&Ff, June 21, 2006, for the purpose of preserving low and moderate income affordable housing.
8. The Interim Deputy Mayor/Director of the Department of Economic and Housing Development shall place a copy of the executed Agreement for the Sale and Redevelopment of Land, the Quitclaim Deed, and all such other executed agreements authorized by this resolution on file in the Office of the City Clerk.
9. The Redeveloper shall be required to comply with the City of Newark's Minority Set-Aside Ordinance 6S&Fd, April 5, 1995; the City of Newark's Affirmative Action Plan 7Rbp, March 1, 1995; Federal Executive Order 11246, (as amended by Executive Orders 11375 and 12086) regarding the award of goods and services contracts; and the City of Newark Ordinance 6PSF-c June 17, 2015, Amending Title II, Administration, Chapter 4, General Administration, Section 20, Hiring of Newark Residents by Contractors or Other Persons Doing Business with the City of Newark and Section 21, Newark Residents' Employment Policy, by Adding Language to Address Immediate Short Term Training and Employment Opportunities and Repealing the Newark Employment Commission, a copy of which is attached to the Agreement as Exhibit C (the "First Source Ordinance"), all as may be applicable. In addition, the Redeveloper has agreed to use best efforts to ensure that thirty percent (30%) of all contractors, subcontractors and suppliers shall be Newark-based companies.
10. The development of the Properties shall commence within three (3) months and be completed within twenty-four (24) months from the transfer of ownership of the Properties by the City to the Redeveloper.
11. The project to be implemented by the Redeveloper shall conform to the City of Newark Design Guidelines, including standards for environmental sustainability and energy efficiency, as established by the Department of Economic and Housing Development. Additionally, the Redeveloper shall conduct any environmental investigation and remediation upon the Property as may be necessary. Should the Redeveloper fail to diligently pursue the rehabilitation of the Properties, then the City, in its sole discretion, may exercise its Right of Reverter to transfer title to the Properties back to the City, in accordance with the terms and conditions of the Agreement and the deed. Failure to exercise or delay in exercising this Right of Reverter by the City of Newark shall not constitute a waiver nor shall such failure and/or delay serve as a basis for adverse possession of the Property. Any and all waivers of the City's Right of Reverter shall be in writing.



AUG 07 2019

12. The Interim Deputy Mayor/Director of the Department of Economic and Housing Development is hereby authorized to execute a Quitclaim Deed to the Redeveloper for the Properties. Said Quitclaim Deed conveying title to the Properties to the Redeveloper shall be approved as to form and legality by the City's Corporation Counsel and attested to and acknowledged by the City Clerk.

### STATEMENT

This Resolution authorizes the Mayor and/or his designee and the Interim Deputy Mayor/Director of the Department of Economic and Housing Development to enter into and execute an Agreement for the Sale and Redevelopment of Land with Empire Risk Properties, LLC, 49 16<sup>th</sup> Avenue, Newark, New Jersey 07102, for the private sale and redevelopment of the following Properties, for the following Purchase Price, in accordance with the requirements of N.J.S.A. 40A:12A-8(g), the terms and conditions of the attached Agreement for the Sale and Redevelopment of Land and the Central Ward Redevelopment Plan, as amended, to redevelop the Properties as a four-story, approximately twenty-four (24) unit mixed use apartment building with parking and ground level commercial retail space:

<u>ADDRESS</u>	<u>BLOCK</u>	<u>LOT</u>	<u>SIZE</u>	<u>SQ. FEET</u>
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Total Square Footage: 12,241.

Purchase Price: \$85,687.00 (\$7.00 per sf).

CERTIFIED TO BY ME THIS

AUG 09 2019

Do not use space below this line

RECORD OF COUNCIL VOTE ON FINAL PASSAGE													
Council Member	AYE	NAY	NV	AB	Council Member	AYE	NAY	NV	AB	Council Member	AYE	NAY	AB
Amador				✓	McCallum, Jr. <i>M</i>	✓				Quintana, Vice Pres.	✓		
Gonzalez	✓				McIver	✓				Ramos, Jr.	✓		
James	✓				Osborne	✓				Crump, President <i>S</i>	✓		
✓ Indicates Vote				AB - Absent				NV - Not Voting					

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

AUG 07 2019

*Andrew C. Crump*

President of the Council

*Kenneth*

016

City Clerk